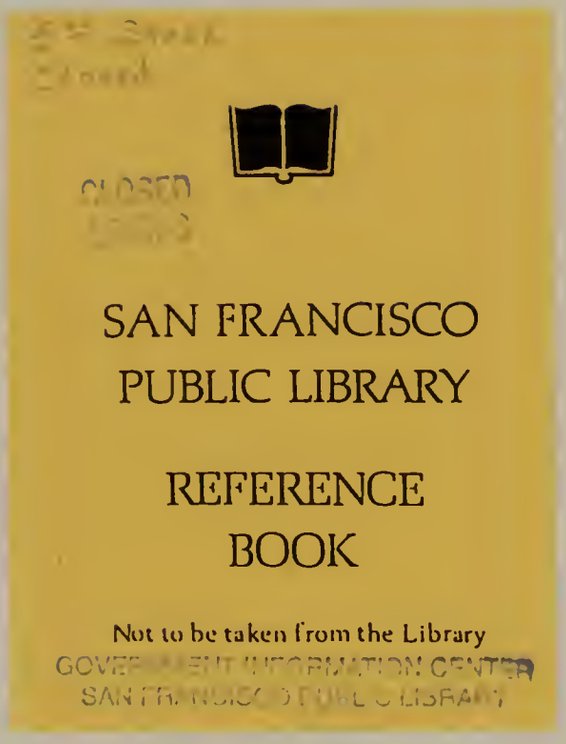
DOCUMENTS DEPARTMENT



SAN FRANCISCO
PUBLIC LIBRARY

REFERENCE
BOOK

Not to be taken from the Library

MAY 8 1996

SAN FRANCISCO PUBLIC LIBRARY

3 1223 03475 3104

F
45
2
/87

≡Minutes

JANUARY 8, 1987 SPECIAL MEETING

The Police Commission of the City and County of San Francisco met in their chambers, Room 551, Hall of Justice, 850 Bryant Street, on Thursday, January 8, 1987 at 1700 hours in a Special Meeting.

1. Attorney-Client Conference.

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

Commissioner Sanchez presiding.

DOCUMENTS DEPT.

MAR 17 1987

SAN FRANCISCO
PUBLIC LIBRARY

JANUARY 8, 1987 REGULAR MEETING

The Police Commission of the City and County of San Francisco met in their chambers, Room 551, Hall of Justice, 850 Bryant Street, on Thursday, January 8, 1987 at 1730 hours in a Regular Meeting.

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

Commissioner Sanchez presiding.

APPROVAL OF MINUTES OF MEETING OF OCTOBER 30, 1986

Approval of Minutes of Meeting of October 30, 1986, the Commissioners having received, approved and returned copies of same.

APPROVAL OF CONSENT CALENDAR

Recommendation of the City Attorney for settlement of the following claims against the City & County of San Francisco:

RESOLUTION NO. 7-87

NANCY FADHL vs. CITY AND COUNTY OF SAN FRANCISCO

RESOLVED, that judgment made for settlement of the litigation of Nancy Fadhl vs. City and County of San Francisco in the sum of $86,040.00 plus interest to be calculated pursuant to Court Order for damages, $145,296.60 plus interest to be calculated pursuant to Court order for attorneys' fees, and $248.89 for cost of appeal is hereby approved.

Date of Incident: 1978

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

RESOLUTION NO. 8-87

MICHELLE WOOD vs. CITY AND COUNTY OF SAN FRANCISCO

RESOLVED, that judgment made for settlement of the litigation of Michelle Wood vs. City and County of San Francisco in the sum of $20,000.00 plus interest to be calculated pursuant to Court Order for damages and $805.85 for cost is hereby approved.

Date of Incident: On or about December 3, 1983

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

RESOLUTION NO. 9-87

ALTON HARRIS vs. CITY AND COUNTY OF SAN FRANCISCO, et al

RESOLVED, that the recommendation of the City Attorney for settlement of the litigation of Alton Harris in United States District Court No. C86-4817 SC in the sum of $19,500.00 entitled "Alton Harris vs. City and County of San Francisco, et al" for damages sustained, be, and the same is hereby approved.

Date of Incident: July 5, 1985

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

RESOLUTION NO. 10-87

PURCELL, et al vs. CITY AND COUNTY OF SAN FRANCISCO

RESOLVED, that the recommendation of the City Attorney for settlement of the litigation of John Purcell in Superior Court No. 838-998 in the sum of $16,000.00 entitled "Purcell, et al vs. City & County of San Francisco" for damages sustained, be, and the same is hereby approved.

Date of Incident: June 29, 1984

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

RESOLUTION NO. 11-87

STEPHEN MAURONI vs. CITY & COUNTY OF SAN FRANCISCO

RESOLVED, that the recommendation of the City Attorney for settlement of the litigation of Stephen Mauroni in Superior Court No. 800-138 in the sum of $3,750.00 entitled "Stephen Mauroni vs. City & County of San Francisco" for damages sustained, be, and the same is hereby approved.

Date of Incident: February 18, 1981

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

RESOLUTION NO. 19-87

WILLIAM M. JORGENSEN

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of William M. Jorgensen in the sum of $600.00 for damages sustained, be, and the same is hereby approved.

Date of Incident: October 29, 1986

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

2 36708 SF: ECONO JNS
16 SF 02/16/96 1079-

RESOLUTION NO. 20-87

ABC TOWING

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of ABC Towing in the sum of $88.50 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: October 22, 1986

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

RESOLUTION NO. 21-87

ABC TOWING (DOROTHY FROST)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of ABC Towing (Dorothy Frost) in the sum of $87.75 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: October 17, 1986

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

RESOLUTION NO. 22-87

ABC TOWING (EMMANUEL KATKO)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of ABC Towing (Emmanuel Katko) in the sum of $87.75 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: October 31, 1986

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

RESOLUTION NO. 23-87

ABC TOWING (MITCHELL DURKEE)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of ABC Towing (Mitchell Durkee) in the sum of $87.75 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: November 30, 1986

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

RESOLUTION NO. 24-87

ABC TOWING (ROBERT STARR)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of ABC Towing (Robert Starr) in the sum of $87.75 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: October 9, 1986

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

RESOLUTION NO. 25-87

ABC TOWING (DEBRA ANN LACY)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of ABC Towing (Debra Ann Lacy) in the sum of $87.75 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: November 1, 1986

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

RESOLUTION NO. 26-87

ABC TOWING (ANITA SKOWRONSKI)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of ABC Towing (Anita Skowronski) in the sum of $87.75 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: October 21, 1986

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

RESOLUTION NO. 27-87

ELIAS LEE

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Elias Lee in the sum of $87.50 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: October 19, 1986

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

RESOLUTION NO. 28-87

JOSEPH B. THOMAS

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Joseph B. Thomas in the sum of $76.25 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: October 28, 1986

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

RESOLUTION NO. 29-87

MARK S. LAWSON

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Mark S. Lawson in the sum of $76.25 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: November 21, 1986

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

RESOLUTION NO. 30-87

MICHAEL S. PERLMUTTER

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Michael S. Perlmutter in the sum of $76.25 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: October 7, 1986

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

RESOLUTION NO. 31-87

ABC TOWING (GORDON SMYTHE)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of ABC Towing (Gordon Smythe) in the sum of $76.25 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: November 8, 1986

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

RESOLUTION NO. 32-87

ABC TOWING (COB KOVER)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of ABC Towing (Cob Kover) in the sum of $76.25 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: November 1, 1986

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

RESOLUTION NO. 33-87

LAURA BUTLER

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Laura Butler in the sum of $70.50 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: November 3, 1986

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

RESOLUTION NO. 34-87

ALEX REYES

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Alex Reyes in the sum of $64.75
as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: November 9, 1986

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

RESOLUTION NO. 35-87

PHILIP JOSUE dba CITY CAB CO.

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Philip Josue dba City Cab Co. in the sum of $64.75 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: October 27, 1986

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

RESOLUTION NO. 36-87

ABC TOWING (CHARLENE HYBL)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of ABC Towing (Charlene Hybl) in the sum of $64.75 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: November 2, 1986

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

RESOLUTION NO. 37-87

ABC TOWING (PAULA NUXALL)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of ABC Towing (Paula Nuxall) in the sum of $64.75 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: October 30, 1986

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

RESOLUTION NO. 38-87

ABC TOWING (JOE TIMONERE)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of ABC Towing (Joe Timonere) in the sum of $64.75 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: November 4, 1986

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

RESOLUTION NO. 39-87

ABC TOWING (JOHN MITCHELL)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of ABC Towing (John Mitchell) in the sum of $64.75 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: November 9, 1986

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

RESOLUTION NO. 40-87

ABC TOWING (BOB SAMPLE)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of ABC Towing (Bob Sample) in the sum of $64.75 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: November 9, 1986

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

RESOLUTION NO. 41-87

ABC TOWING (DAVID HOMER)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of ABC Towing (David Homer) in the sum of $63.60 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: October 23, 1986

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

RESOLUTION NO. 42-87

ABC TOWING (ERICK ROBINSON)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of ABC Towing (Erick Robinson) in the sum of $63.60 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: October 31, 1986

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

RESOLUTION NO. 43-87

SOLOMAN HING PON

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Soloman Hing Pon in the sum of $56.70 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: October 22, 1986

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

RESOLUTION NO. 44-87

NANCY LEVIDOW

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Nancy Levidow in the sum of $53.25 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: October 30, 1986

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

RESOLUTION NO. 45-87

JOE R. GOODRICH

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Joe R. Goodrich in the sum of $53.25 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: November 5, 1986

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

RESOLUTION NO. 46-87

PAMELA A. AFRASIABI

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Pamela A. Afrasiabi in the sum of $53.25 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: October 17, 1986

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

RESOLUTION NO. 47-87

HOWARD M. SILVERSTEIN

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Howard M. Silverstein in the sum of $53.25 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: September 28, 1986

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

RESOLUTION NO. 48-87

ABC TOWING (ROGER HOAG)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of ABC Towing (Roger Hoag) in the sum of $53.25 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: November 9, 1986

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

RESOLUTION NO. 49-87

FRANCES BRENNAN

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Frances Brennan in the sum of $53.25 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: October 30, 1986

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

RESOLUTION NO. 50-87

JULIA McCARTHY

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of July McCarthy in the sum of $53.25 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: October 6, 1986

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

RESOLUTION NO. 51-87

DAVID S. PEKROL

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of David S. Pekrol in the sum of $53.25 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: October 27, 1986

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

RESOLUTION NO. 18-87

HEARING OF POLICE OFFICER RICHARD WOO, COMMUNICATIONS DIVISION

WHEREAS, the hearing of Police Officer Richard Woo, Communications Division, scheduled for January 6, 1987 was cancelled; and

WHEREAS, the Police Commission requested the date for the hearing of the disciplinary charges filed against Officer Richard Woo be continued to January 27, 1987; therefore be it

RESOLVED, that the date for the hearing of the disciplinary charges filed against Police Officer Richard Woo, Communications Division, is continued to Tuesday, January 27, 1987 at 9:30 a.m. in Room 551, Hall of Justice.

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

POLICE COMMISSION REPORT

Commissioner Sanchez announced that the Police Commission met in Closed Session this afternoon in an Attorney Client Conference and no vote was taken. He also mentioned that some of the Commissioners who sat on the Woo case would not be able to make the proposed date and it was voted to be continued to January 27, 1987 at 9:30 A.M. All parties are to receive the appropriate notification.

CHIEF'S REPORT TO THE POLICE COMMISSION

Chief Jordan said the one item he had for report is the year end Crime Index Offenses for Part I Crimes, the serious crimes of Homicide, Rape, Robbery, Aggravated Assault, Burglary, Larceny and Automobile Theft. The grand total, he said, for the year is down 3.3%. He said going down the list some crimes are up and some are down. He said there were 114 homicides during the course of the year as compared to 85 last year. He said this is the one category that has gone up 34%. He continued by saying that Rape is down 3.9%, Robbery is down .05%, Aggravated Assault is up .06%, and Burglary showing the largest decrease is down 14.3%, Larceny, down 3.7%, and the last one, Motor Vehicle Theft, it has gone up 15%. He said the Department would be working with various community groups and the California State Automobile Association on a puplic education campaign to see what can be done about the increase of Automobile Theft. The Chief, then, in response to Commissioner Davis' questions as to category of homicide increase said there were .14% that were drug related. Some, he said, are Gay related and some were stranger to stranger as well as domestic disputes, but he said, in checking with homicide Inspectors there is no one real pattern that can be discerned other than the narcotic related homicides. He said the only other item he had to report is the 911 incident that occurred in the Department's Communications Division. He said at this point it is still being investigated. Briefly, he said, a call cam through to the 911 police operator. It was a very nervous and anxious Asian woman on the line and she stayed on the line for approximately 24 seconds. He said she tried to give her address 3 different times but because of her nervousness the number came out differently 3 times. He said the operator while trying to calm her down attempted to plug her into an interpreter, but she dropped the phone and left the line open and was no longer on the line. He said the Officer then looked at the display board and for whatever reasons yet to be found, only the address of the last call prior to this call was displayed and the officer sent a police car to that location which was the wrong address. The Chief continued by saying that the Department is checking the computer lines and the display screen with the telephone company to find out just what malfunctioned may have occurred and further reports will be forth coming to the Commission at the next meeting.

REQUEST OF DIRECTOR FRANK SCHOBER, OFFICE OF CITIZENS COMPLAINTS (O.C.C.), FOR A POLICE COMMISSION RESOLUTION APPROVING THE TRANSFER OF FUNDS IN THE O.C.C. BUDGET FROM ITS PERSONNEL ACCOUNT TO IS OVERTIME ACCOUNT IN THE AMOUNT OF $6,000.00

Mr. Frank Schober, Director of O.C.C., after receiving approval of the above item requested 2 weeks postponement to present his findings in the Larry Lumpkin case. He said in a final review of the case a technical question arose that can only be resolved with outside expertise. He said he has already contacted the person needed to assist in the matter and upon completion he would be ready to report to the Commission. And this was unanimously approved.

RESOLUTION NO. 12-87

WHEREAS, the overtime account of the Office of Citizen Complaints was under budgeted for Fiscal Year FY 86/87 in the amount of $3,621.00; and

WHEREAS, the Officer of Citizen Complaints has experienced recent personnel shortages due to extended illness periods of members of its staff; and

WHEREAS, all O.C.C. Investigators have accumulated compensatory time which they will not be able to use; and

WHEREAS, the O.C.C. will be moving to a new location on or about the latter part of January 1987 and will incur greater requirements for extended work by both its professional and clerical staff; therefore be it

RESOLVED, that the Controller of the City and County of San Francisco be requested to take the necessary and legally required steps to transfer funds already existing in the O.C.C. appropriated accounts--to wit from personnel account (object 001) to overtime account (object 010) in the amount of $6,000.00 to supplement the said under budgeted overtime account. (Additional Technical Data attached.)

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

PUBLIC HEARING ON REVISED DEPARTMENT GENERAL ORDER B-1, "PHYSICAL AGILITY STANDARDS, PHYSICAL FITNESS STANDARDS"

Lt. Tom Murphy said the Department Administration has met and conferred with the POA 6 or more times on General Order B-1 and they have finally agreed upon an order they feel addresses all of the problems they have had before with the Order. He then, upon the request of the Commissioners, gave an overview of what the new Order's contents are. He said specifically it has gotten away somewhat from the disciplinary aspect. He said also the required exercises in the old order are no longer a part of the new order. He said under the order also it would take an Officer 13.3 months of review and suspensions by the Chief of Police before being brought upon charges before the Police Commission.

Commissioner Sanchez voicing approval, said this has been the result of 8 months work with a lot of people working together. He said he wanted to congratulate the Chief and his Staff, the POA, and the Police Surgeon. He said in the fourth coming year all parties can also assess the order and find out how well it is working and if there are areas that need to be improved it can be done within the context of this overall General Order. Commissioner Nelder said he would move for approval. Commissioner Owens seconded and it was unanimously approved.

RESOLUTION NO. 13-87

RESOLVED, that the Police Commission hereby approves the revision of General Order B-1, "Physical Agility Standards, Physical Fitness Standards".

AYES: Commissioners Davis, Giraudo, Nelder, Owens Sanchez

REQUEST OF THE POLICE COMMISSION THAT THE BOARD OF SUPERVISORS ADOPT A RESOLUTION REGARDING WORKMAN'S COMPENSATION COVERAGE FOR POLICE ACTIVITES LEAGUE (P.A.L.) CADETS WORKING IN "KOBANS"

Chief Jordan said this is not a new concept but the Department is going to try the KOBAN or KIOSK to try and evaluate just how effective this program might be. He said the first one is scheduled to be installed in China Town. He said there will be one uniformed Officer from the Community Services Division who is bilingual and he will be assisted by the Department's PAL Cadets who will be there perhaps 4 hours a day as well as some police reserves who will volunteer their time. He said it would be operated probably around 11:00 AM to 7:00 PM in the evening. He said what they aren't sure of is as to what type of activity will gravitate towards that KOBAN. He said it is felt that tourist will come over and ask for information, question on lost and found property, crime prevention questions and distribution of all kinds of literature as to personal safety. Some persons he said, may come and ask to have police reports made. He said it is going to be monitored as a pilot program for 6 months to see how effective it is. He said the booth will be portable so that it can be moved from time to time to different areas of China Town as needed. He said consideration for another one would be for the downtown area near Halidie Plaza.

Commissioner Sanchez said he felt that to use it with some civilians during the trial period could be perceived as an extension of binal police services. He said maybe it should be used during the 6 month period with just police manpower with a differential staffing model and thereafter conduct an assessment and come in with some specific recommendations where utilization of some civilians could be done in accordance with whatever the experience reveals.

Deputy Chief Willis Casey then said on the other end of the Spectrum this request is to provide insurance for the PAL Cadets in case anything should happen to them. He said there is no cost to the city for this.

Commissioner Owens said she would move approval for the first 6 month period utilizing police officers only. Commissioner Nelder said he felt that was appropriate and that he second that motion and said the motion simply carries that the first month will give the Chief a better indication as to which way to go and then if he wants to use the cadets then he can under those conditions.

Commissioner Giraudo said the motion had him somewhat confused and he felt that this was not what the item called for. After some discussion along those lines Commissioner Owens said she would withdraw her motion and move that the item as requested be approved.

Commissioner Nelder said he would second the motion and advised the Chief that he could use his own judgement on it. The matter was then unanimously approved.

RESOLUTION NO. 14-87

WHEREAS, the San Francisco Police Department is engaging in an effort to bring the Department closer to the community at large by the establishment of movable units called Kobans, and

WHEREAS, the staffing of these units will require the use of some Police Activites League (PAL) Senior Cadets, and

WHEREAS, the use of the PAL Cadets must include Workman's Compensation coverage, and

WHEREAS, a resolution from the Board of Supervisors is necessary to accomplish this result; therefore be it

RESOLVED, that the Police Commission hereby requests the Board of Supervisors of the City and County of San Francisco to adopt a resolution which will include the PAL Cadets working in Kobans to be covered under the Workman's Compensation provisions of the insurance carried by the City and County of San Francisco.

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

RESOLUTION NO. 1-87

NOTIFICATION AND FILING OF CHARGES AGAINST POLICE OFFICER JAMES P. LASSUS, CENTRAL STATION

WHEREAS, charges of violating the Rules and Procedures of the San Francisco Police Department were filed against Police Officer James P. Lassus, Central Station, as follows:

CHARGE NO. 1

Failing to treat members of the public with courtesy and respect and eschew harsh, profane, or uncivil language (violation of Rule A-14 of the General Order D-1 of the San Francisco Police Department);

CHARGE NO. 2

Engaging in conduct which brings discredit on the Department (violation of Rule A-9 of General Order D-1 of the San Francisco Police Department);

by Frank M. Jordan, Chief of Police, San Francisco Police Department; therefore be it

RESOLVED, that the date for the setting of the hearing of the disciplinary charges filed against Police Officer James P. Lassus, Central Station, is scheduled for Thursday, January 15, 1987 at 5:30 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

RESOLUTION NO. 2-87

NOTIFICATION AND FILING OF CHARGES AGAINST POLICE OFFICER WALTER PINOSKY, CENTRAL STATION

WHEREAS, charges of violating the Rules and Procedures of the San Francisco Police Department were filed against Police Officer Walter Pinosky, Central Station, as follows:

CHARGE NO. 1

Failing to treat members of the public with courtesy and respect and eschew harsh, profane, or uncivil language (violation of Rule A-14 of the General Order D-1 of the San Francisco Police Department);

CHARGE NO. 2

Engaging in conduct which brings discredit on the Department (violation of Rule A-9 of General Order D-1 of the San Francisco Police Department);

by Frank M. Jordan, Chief of Police, San Francisco Police Department; therefore be it

RESOLVED, that the date for the setting of the hearing of the disciplinary charges filed against Police Officer Walter Pinosky, Central Station, is scheduled for Thursday, January 15, 1987 at 5:30 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Davis, Giraudo, Nelder, Owens Sanchez

RESOLUTION NO. 3-87

NOTIFICATION AND FILING OF CHARGES AGAINST POLICE OFFICER GEORGE A. LOZANO, NORTHERN STATION

WHEREAS, charges of violating the Rules and Procedures of the San Francisco Police Department were filed against Police Officer George A. Lozano, Northern Station, as follows:

SPECIFICATION NO. 1

Failure to report the recovery of a stolen vehicle (violation of Section V.A. 5 of General Order J-3 of the San Francisco Police Department);

SPECIFICATION NO. 2

Engaging in conduct which tends to subvert the good order, efficiency or discipline of the Department or which reflects discredit upon the Department (violation of Rule A-9 of General Order D-1 of the San Francisco Police Department);

SPECIFICATION NO. 3

Engaging in conduct which tends to subvert the good order, efficiency or discipline of the Department or which reflects discredit upon the Department (violation of Rule A-9 of General Order D-1 of the San Francisco Police Department);

SPECIFICATION NO. 4

Engaging in conduct which tends to subvert the good order, efficiency or discipline of the Department or which reflects discredit upon the Department (violation of Rule A-9 of General Order D-1 of the San Francisco Police Department);

SPECIFICATION NO. 5

Failure to prevent crime while off-duty (violation of Rule A-2 of General Order D-1 of the San Francisco Police Department).

by Frank M. Jordan, Chief of Police, San Francisco Police Department; therefore be it

RESOLVED, that the date for the setting of the hearing of the disciplinary charges filed against Police Officer George A. Lozano, Northern Station, is scheduled for Thursday, January 15, 1987 at 5:30 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

RESOLUTION NO. 4-87

NOTIFICATION AND FILING OF CHARGES AGAINST POLICE INSPECTOR BERNARD McKAY, INVESTIGATIONS BUR./BURGLARY DETAIL

WHEREAS, charges of violating the Rules and Procedures of the San Francisco Police Department were filed against Police Inspector Bernard McKay, Investigations Bureau - Burglary Section, as follows:

SPECIFICATION NO. 1

Engaging in conduct which tends to subvert the good order, efficiency or discipline of the Department or which reflects discredit upon the Department (violation of Rule A-9 of General Order D-1 of the San Francisco Police Department).

by Frank M. Jordan, Chief of Police, San Francisco Police Department; therefore be it

RESOLVED, that the date for the setting of the hearing of the disciplinary charges filed against Police Inspector Bernard J. McKay, Investigations Bureau - Burglary Section, is scheduled for Thrusday, January 15, 1987 at 5:30 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

RESOLUTION NO. 5-87

SETTING OF DATE FOR HEARING OF PATROL SPECIAL OFFICER ELBERT TAYLOR, RICHMOND DISTRICT

WHEREAS, the date for the setting of the hearing of the disciplinary charges filed against Patrol Special Officer Elbert Taylor, Richmond Disctrict, was called it having been scheduled for this date; and

WHEREAS, it was requested by Mr. Douglas Van Vlear, Attorney at Law, representing Patrol Special Officer Elbert Taylor, that the date for the hearing of the disciplinary charges filed against Patrol Special Elbert Taylor be set for March 19, 1987; therefore be it

RESOLVED, that the date for the hearing of disciplinary charges filed against Patrol Special Officer Elbert Taylor, Richmond District, is scheduled for Thursday, March 19, 1987 at 5:30 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

RESOLUTION NO. 6-87

SETTING OF DATE FOR HEARING OF POLICE OFFICER JOSEPH Y. GUMBAN, MISSION STATION

WHEREAS, the date for the setting of the hearing of the disciplinary charges filed against Police Officer Joseph Y. Gumban, Mission Station, was called it having been scheduled for this date; and

WHEREAS, it was requested by Mr. Michael Gash, Attorney at Law, representing the San Francisco Police Department, that the date for the hearing of the disciplinary charges filed against Police Officer Joseph Y. Gumban be set for February 26, 1987; therefore be it

RESOLVED, that the date for the hearing of disciplinary charges filed against Police Officer Joseph Y. Gumban, Mission Station, is set for Thursday, February 26, 1987 at 5:30 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

RESOLUTION NO. 16-87

RECOMMENDATION OF THE CHIEF THAT THE POLICE COMMISSION GRANT A TAXICAB OWNER PERMIT TO JESUS M. GARCIA

WHEREAS, Jesus M. Garcia appeared at a Public Convenience and Necessity hearing held on Thursday, January 8, 1987; and

WHEREAS, the Commission determined at a Public Convenience and Necessity hearing on Thursday, January 8, 1987, based on the record received at that hearing, that clear and convincing evidence supported a finding that public convenience and necessity required the operation of a certain number of motor vehicle for hire permits; and

WHEREAS, prior to the emergence of Proposition K, there were approximately 711 taxicab permits in the City and County of San Francisco; and

WHEREAS, the Police Commission, pursuant to Resolution No. 283-84, dated March 29, 1984, has set the number at 761 taxicab permits for the City and County of San Francisco; therefore be it

RESOLVED, that Jesus M. Garcia appearing before the Commission is qualified to hold a motor vehicle for hire permit, that said taxicab owner permit shall be granted under and shall be revocable under criteria and standards published by the Commission in conjuction with applicable Sections of the San Francisco Municipal Code, and shall be and is hereby granted to Jesus M. Garcia.

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

RESOLUTION NO. 15-87

RECOMMENDATION OF THE CHIEF THAT THE POLICE COMMISSION GRANT A TAXICAB OWNER PERMIT TO FRANK DIAMOS

WHEREAS, Frank Diamos appeared at a Public Convenience and Necessity hearing held on Thursday, January 8, 1987; and

WHEREAS, the Commission determined at a Public Convenience and Necessity hearing on Thursday, January 8, 1987, based on the record received at that hearing, that clear and convincing evidence supported a finding that public convenience and necessity required the operation of a certain number of motor vehicle for hire permits; and

WHEREAS, prior to the emergence of Proposition K, there were approximately 711 taxicab permits in the City and County of San Francisco; and

WHEREAS, the Police Commission, pursuant to Resolution No. 283-84, dated March 29, 1984, has set the number at 761 taxicab permits for the City and County of San Francisco; therefore be it

RESOLVED, that Frank Diamos appearing before the Commission is qualified to hold a motor vehicle for hire permit, that said taxicab owner permit shall be granted under and shall be revocable under criteria and standards published by the Commission in conjuction with applicable Sections of the San Francisco Municipal Code, and shall be and is hereby granted to Frank Diamos.

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

RECOMMENDATION OF THE CHIEF OF POLICE THAT THE POLICE COMMISSION REVOKE LIMOUSINE PERMIT #1-18 AND MOTORIZED RICKSHAW PERMITS MR-1, MR-2, AND MR-3, HELD BY EDMUND JUNG AND DENIAL OF HIS SUSPENSION OF OPERATION REQUEST

Lt. Gregory Winters, Permit Section, presented argument as to why Mr. Jung's permits should be revoked and Mr. John Prentice, Attorney for Mr. Jung, presented arguments as to why Mr. Jung's permits should not be revoked.

The Commissioners after listening to both sides, said that most of the documentation allegely revealing Mr. Jung's violations were not in the file now before the Commission. Because of this, Commissioner Sanchez said all the Commissioners have before them tonight is the City Attorney's Opinion stating that there are no violations in regards to Mr. Jung's Limousine Permit and until such time as the Commission receive the full documentation pertaining to the justification for revocation on all such matters as calendared the Commission will continue this matter for two weeks.

HEARING OF POLICE OFFICER DEBORAH E. FRANKS, POTRERO STATION

The hearing of the disciplinary charges filed against Police Officer Deborah E. Franks, Potrero Station, was called it having been set for this date. Police Officer Deborah E. Franks was charged with violating the Rules and Procedures as follows:

SPECIFICATION NO. 1

Failure to take appropriate action when a serious crime or offense occurs in an officer's presence (violation of Rule A-2 of General Order D-1 of the San Francisco Police Department);

SPECIFICIATION NO. 2

Failure to make a report to a commanding officer of a serious crime (violation of Rule A-26A of General Order D-1 of the San Francisco Police Department);

SPECIFICATION NO. 3

Failure to answer questions truthfully and without evasion (violation of Rule A-21 of General Order D-1 of the San Francisco Police Department).

in a properly verified complaint by Frank M. Jordan, Chief of Police of the San Francisco Police Department.

Police Officer Deborah E. Franks appeared in person and was represented by Sergeant Lillian Mattox.

Mr. Michael Gash, Attorney at Law, appeared on behalf of the San Francisco Police Department.

An opening statement was made by Mr. Michael Gash for the Prosecution. Mr. Gash requested withdrawal of Specification No. 3.

An opening statement was made by Sergeant Lillian Mattox for the Defense. Sergeant Mattox made a plea of guilty to Specification No. 1 and Specification No. 2 on behalf of her client, Officer Deborah E. Franks.

The Commission unanimously accepted the plea of guilty to the charges made by Officer Deborah E. Franks and approved Attorney Gash's request for withdrawal of Specification No. 3.

Based on those findings, the Commission requested a recommendation from the Chief of Police Frank M. Jordan.

The Commissioners after listening to both sides, said that most of the documentation allegely revealing Mr. Jung's violations were not in the file now before the Commission. Because of this, Commissioner Sanchez said all the Commissioners have before them tonight is the City Attorney's Opinion stating that there are no violations in regards to Mr. Jung's Limousine Permit and until such time as the Commission receive the full documentation pertaining to the justification for revocation on all such matters as calendared the Commission will continue this matter for two weeks.

HEARING OF POLICE OFFICER DEBORAH E. FRANKS, POTRERO STATION

The hearing of the disciplinary charges filed against Police Officer Deborah E. Franks, Potrero Station, was called it having been set for this date. Police Officer Deborah E. Franks was charged with violating the Rules and Procedures as follows:

SPECIFICATION NO. 1

Failure to take appropriate action when a serious crime or offense occurs in an officer's presence (violation of Rule A-2 of General Order D-1 of the San Francisco Police Department);

SPECIFICIATION NO. 2

Failure to make a report to a commanding officer of a serious crime (violation of Rule A-26A of General Order D-1 of the San Francisco Police Department);

SPECIFICATION NO. 3

Failure to answer questions truthfully and without evasion (violation of Rule A-21 of General Order D-1 of the San Francisco Police Department).

in a properly verified complaint by Frank M. Jordan, Chief of Police of the San Francisco Police Department.

Police Officer Deborah E. Franks appeared in person and was represented by Sergeant Lillian Mattox.

Mr. Michael Gash, Attorney at Law, appeared on behalf of the San Francisco Police Department.

An opening statement was made by Mr. Michael Gash for the Prosecution. Mr. Gash requested withdrawal of Specification No. 3.

An opening statement was made by Sergeant Lillian Mattox for the Defense. Sergeant Mattox made a plea of guilty to Specification No. 1 and Specification No. 2 on behalf of her client, Officer Deborah E. Franks.

The Commission unanimously accepted the plea of guilty to the charges made by Officer Deborah E. Franks and approved Attorney Gash's request for withdrawal of Specification No. 3.

Based on those findings, the Commission requested a recommendation from the Chief of Police Frank M. Jordan.

It is the recommendation of the Chief of Police that for Specification No. 1 she be suspended for 30 days, 10 days to be held in abeyance for one year, providing no violation occurs during this period, and for Specificaton No. 2 she be suspended for 10 days, 10 days to be held in abeyance for one year, for a total suspension of 20 working days, and the 20 days held in abeyance will be imposed in any violation occurs during the one year period.

The Commission took the matter under submission, recessed and returned, and the following resolution was adopted:

RESOLUTION NO. 17-87

DECISION - HEARING OF POLICE OFFICER DEBORAH E. FRANKS, POTRERO STATION

WHEREAS, on September 29, 1986, Frank M. Jordan Chief of Police, made and served charges against Police Officer Deborah E. Franks as follows:

SPECIFICATION NO. 1

Failure to take appropriate action when a serious crime or offense occurs in an officer's presence (violation of Rule A-2 of General Order D-1 of the San Francisco Police Department);

(1) At all times herein mentioned Deborah E. Franks, Star No. 486, was and is a police officer employed by the San Francisco Police Department and assigned to the Golden Gate Division, Potrero Station;

(2) As a police officer, Officer Franks (hereinafter "the accused") was and is responsible for knowing and obeying the rules, orders and procedures of the San Francisco Police Department;

(3) On or about April 17, 1986, the accused was asked by a female friend for assistance in cashing a check. At or about 1300 hours on April 17, 1986, the accused while off-duty took the female friend to the Westwood Pharmacy to cash the check because she knew the owner and had previously cashed checks at that location;

(4) The owner of Westwood Pharmacy telephoned the payer designated on the check to determine the validity of the check. The owner was informed that the check had been stolen. The owner informed the female friend in the presence of the accused that he had learned that the check had been stolen and was forged. The owner seized the check and did not return it to the accused's friend;

(5) California Penal Code Section 475A makes it a felony for any person to have in their possession a stolen or forged check. The accused took no police action against her female friend and left the pharmacy;

It is the recommendation of the Chief of Police that for Specification No. 1 she be suspended for 30 days, 10 days to be held in abeyance for one year, providing no violation occurs during this period, and for Specificaton No. 2 she be suspended for 10 days, 10 days to be held in abeyance for one year, for a total suspension of 20 working days, and the 20 days held in abeyance will be imposed in any violation occurs during the one year period.

The Commission took the matter under submission, recessed and returned, and the following resolution was adopted:

RESOLUTION NO. 17-87

DECISION - HEARING OF POLICE OFFICER DEBORAH E. FRANKS, POTRERO STATION

WHEREAS, on September 29, 1986, Frank M. Jordan Chief of Police, made and served charges against Police Officer Deborah E. Franks as follows:

SPECIFICATION NO. 1

Failure to take appropriate action when a serious crime or offense occurs in an officer's presence (violation of Rule A-2 of General Order D-1 of the San Francisco Police Department);

(1) At all times herein mentioned Deborah E. Franks, Star No. 486, was and is a police officer employed by the San Francisco Police Department and assigned to the Golden Gate Division, Potrero Station;

(2) As a police officer, Officer Franks (hereinafter "the accused") was and is responsible for knowing and obeying the rules, orders and procedures of the San Francisco Police Department;

(3) On or about April 17, 1986, the accused was asked by a female friend for assistance in cashing a check. At or about 1300 hours on April 17, 1986, the accused while off-duty took the female friend to the Westwood Pharmacy to cash the check because she knew the owner and had previously cashed checks at that location;

(4) The owner of Westwood Pharmacy telephoned the payer designated on the check to determine the validity of the check. The owner was informed that the check had been stolen. The owner informed the female friend in the presence of the accused that he had learned that the check had been stolen and was forged. The owner seized the check and did not return it to the accused's friend;

(5) California Penal Code Section 475A makes it a felony for any person to have in their possession a stolen or forged check. The accused took no police action against her female friend and left the pharmacy;

(6) The accused by failing to take appropriate action while off-duty when a female friend attempted to negotiate a stolen and forged check in her presence has engaged in conduct which constitutes a violation of Rule A-2 of General Order D-1 of the San Francisco Police Department, which states:

"Officers shall, while off-duty, take all reasonable steps to prevent crime, detect and arrest offenders, and protect life and property that are consistent with the officers' ability to take proper action at the time in question."

SPECIFICATION NO. 2

Failure to make a report to a commanding officer of a serious crime (violation of Rule A-26A of General Order D-1 of the San Francisco Police Department);

(7) The allegations contained in paragraphs (1) through (6) of Specification No. 1 are hereby incorporated by reference as if fully set forth herein;

(8) On or about April 17, 1986, at approximately 1300 hours the accused became aware that a felony had taken place in her presence;

(9) On or about April 23, 1986, Lieutenant Donald Carlson, Officer in Charge of the Fraud Section, ordered the accused to submit a written report to her commanding officer that a serious crime had occurred in her presence;

(10) The accused did not submit a written report to her commanding officer prior to being ordered to do so by the Officer in Charge of the Fraud Section;

(11) The accused by failing to submit a written report to her commanding officer that a serious offense or crime had come to her attention until after she was ordered to do so by the Officer in Charge of the Fraud Section has engaged in conduct which constitutes a violation of Rule A-26A of the San Francisco Police Department, which states:

"Members shall when off-duty make a written report to their commanding officer of any serious crime or urgent police matter which is brought to their attention or in which the member becomes involved as a peace officer."

SPECIFICATION NO. 3 (WITHDRAWN)

Failure to answer questions truthfully and without evasion (violation of Rule A-21 of General Order D-1 of the San Francisco Police Department).

(12) The allegations contained in paragraphs (1) through (6) of Specification No. 1 and paragraphs (7) through (11) of Specification No. 2 are hereby incorporated by reference as if fully set forth herein.

(13) On or about August 2, 1986, the accused was interviewed by Management Control Division investigators regarding the incident;

(14) During the interview the accused stated that he was not aware that he had been involved in a traffic accident and that he had not seen any damage to his vehicle;

(15) The accused was subsequently charged with violation of Rule A-2 of General Order D-1 of the San Francisco Police Department, Conduct Unbecoming an Officer, and Rule A-26A of General Order D-1 of the San Francisco Police Department, Failure to Report Traffic Accident Involving Police Vehicle, in that on or about August 2, 1986, he failed to report a traffic accident involving a police vehicle which he was driving; and

WHEREAS, a hearing on said charges was held before the Police Commission pursuant to Section 8.343 of the Charter of the City and County of San Francisco on Thursday, January 8, 1987, and on Thursday, January 8, 1987, the matter was submitted to the Police Commission for decision; and

WHEREAS, the Police Commission finds that the allegations contained in Specification No. 1, violation of Rule A-2 of General Order D-1 of the San Francisco Police Department, and Specification No. 2, violation of Rule A-26A of General Order D-1 of the San Francisco Police Department, are sustained; therefore be it

RESOLVED, that based on these findings consistent with the Commission's duty to protect the health, safety and general welfare of the citizens of the City and County of San Francisco and the public in general, and in order to promote efficiency and good discipline in the San Francisco Police Department, the Commission orders that the following discipline be imposed:

Specification No. 1	[penalty]	30 calendar days suspension, 10 days to be held in abeyance for one year
Specification No. 2	[penalty]	10 days suspension to be held in abeyance for one year

for a total of 20 calendar days suspension and 20 calendar days held in abeyance for one year;

and be it further

RESOLVED, that said suspension totaling twenty (20) calendar days is to be imposed commencing Monday, January 12, 1987 at 0001 hours and ending Saturday, January 31, 1987 at 2400 hours. If any violation occurs during the one year period, the 20 calendar days suspension held in abeyance will be imposed.

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

Recesses taken during the hearing of Officer Deborah E. Franks:

7:36 p.m. to 7:54 p.m.

(The entire proceedings were taken in shorthand form by Ms. Linda Pransky, CSR.)

The meeting, thereafter, was adjourned at 8:00 PM.

Willie E. Frazier

LIEUTENANT WILLIE E. FRAZIER
SECRETARY
THE POLICE COMMISSION

= Minutes
45
2
5/87

JANUARY 15, 1987 SPECIAL MEETING

The Police Commission of the City and County of San Francisco, met in their chambers, Room 551, Hall of Justice, 850 Bryant Street on Thursday, January 15, 1987 at 1700 hours in a Special Meeting.

1. Personnel Matter

Commissioner Sanchez presiding.

AYES: Commissioners Davis, Giraudo, Owens, Sanchez
ABSENT: Commissioner Nelder

JANUARY 15, 1987 REGULAR MEETING

The Police Commission of the City and County of San Francisco, met in their chambers, Room 551, Hall of Justice, 850 Bryant Street on Thursday, January 15, 1987 at 1730 hours in a Regular Meeting.

Commissioner Sanchez presiding.

AYES: Commissioners Davis, Giraudo, Owens, Sanchez
ABSENT: Commissioner Nelder

APPROVAL OF MINUTES OF MEETING OF NOVEMBER 6, 1986

Approval of Minutes of Meeting of November 6, 1986, the Commissioners having received, approved and returned copies of same.

DOCUMENTS DEPT.
MAR 24 1987
SAN FRANCISCO
PUBLIC LIBRARY

APPROVAL OF CONSENT CALENDAR

Recommendation of the City Attorney for settlement of the following claims against the City & County of San Francisco:

RESOLUTION NO. 58-87

JAMES DYER

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of James Dyer in the sum of $53.25 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: October 27, 1986

AYES: Commissioners Davis, Giraudo, Owens, Sanchez
ABSENT: Commissioner Nelder

RESOLUTION NO. 59-87

PAUL BLEVINS

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Paul Blevins in the sum of $53.25 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: October 15, 1986

AYES: Commissioners Davis, Giraudo, Owens, Sanchez
ABSENT: Commissioner Nelder

RESOLUTION NO. 60-87

VICTORIA MORA

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Victoria Mora in the sum of $53.25 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: October 27, 1986

AYES: Commissioners Davis, Giraudo, Owens, Sanchez
ABSENT: Commissioner Nelder

RESOLUTION NO. 61-87

MELINDA L. DE LEON

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Melinda L. De Leon in the sum of $53.25 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: October 27, 1986

AYES: Commissioners Davis, Giraudo, Owens, Sanchez
ABSENT: Commissioner Nelder

RESOLUTION NO. 62-87

RAINEN NEWMANN

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Rainen Newmann in the sum of $53.25 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: October 27, 1986

AYES: Commissioners Davis, Giraudo, Owens, Sanchez
ABSENT: Commissioner Nelder

RESOLUTION NO. 63-87

DAVID FLORES

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of David flores in the sum of $53.25 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: November 14, 1986

AYES: Commissioners Davis, Giraudo, Owens, Sanchez
ABSENT: Commissioner Nelder

RESOLUTION NO. 64-87

ANNE HOGG PENICK

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Anne Hogg Penick in the sum of $53.25 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: November 14, 1986

AYES: Commissioners Davis, Giraudo, Owens, Sanchez
ABSENT: Commissioner Nelder

RESOLUTION NO. 65-87

LISE DeMUTH

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Lise DeMuth in the sum of $53.25 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: November 12, 1986

AYES: Commissioners Davis, Giraudo, Owens, Sanchez
ABSENT: Commissioner Nelder

RESOLUTION NO. 66-87

DAN SCHON

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Dan Schon in the sum of $53.25 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: November 12, 1986

AYES: Commissioners Davis, Giraudo, Owens, Sanchez
ABSENT: Commissioner Nelder

RESOLUTION NO. 67-87

NICOLAS ESPINOSA

RESOLVED, that the recommendation of the City Attorney for the settlement of the claim of Nicolas Espinosa in the sum of $53.25 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: November 12, 1986

AYES: Commissioners Davis, Giraudo, Owens, Sanchez
ABSENT: Commissioner Nelder

RESOLUTION NO. 68-87

MIKE COOPER

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Mike Cooper in the sum of $53.25 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: November 12, 1986

AYES: Commissioners Davis, Giraudo, Owens, Sanchez
ABSENT: Commissioner Nelder

RESOLUTION NO. 68-87

MARYANNE Z. MURPHY

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Maryanne Z. Murphy in the sum of $53.25 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: November 3, 1986

AYES: Commissioners Davis, Giraudo, Owens, Sanchez
ABSENT: Commissioner Nelder

RESOLUTION NO. 70-87

CHARLES DAVID MAST

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Charles David Mast in the sum of $53.25 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: October 31, 1986

AYES: Commissioners Davis, Giraudo, Owens, Sanchez
ABSENT: Commissioner Nelder

RESOLUTION NO. 71-87

MARK A. REX

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Mark A. Rex in the sum of $53.25 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: November 3, 1986

AYES: Commissioners Davis, Giraudo, Owens, Sanchez
ABSENT: Commissioner Nelder

RESOLUTION NO. 72-87

ROBERT S. BASKER

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Robert S. Basker in the sum of $53.25 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: November 4, 1986

AYES: Commissioners Davis, Giraudo, Owens, Sanchez
ABSENT: Commissioner Nelder

RESOLUTION NO. 73-87

LEONIDAS N. PRIEST

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Leonidas N. Priest in the sum of $53.25 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: October 28, 1986

AYES: Commissioners Davis, Giraudo, Owens, Sanchez
ABSENT: Commissioner Nelder

RESOLUTION NO. 74-87

FRANK C. NUCCIO

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Frank C. Nuccio in the sum of $53.25 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: October 27, 1986

AYES: Commissioners Davis, Giraudo, Owens, Sanchez
ABSENT: Commissioner Nelder

RESOLUTION NO. 75-87

JEAN-ANNE SEFCOVIC

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Jean-Anne Sefcovic in the sum of $53.25 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: October 30, 1986

AYES: Commissioners Davis, Giraudo, Owens, Sanchez
ABSENT: Commissioner Nelder

RESOLUTION NO. 76-87

GERMAN ALEMASON

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of German Alemason in the sum of $53.25 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: November 21, 1986

AYES: Commissioners Davis, Giraudo, Owens, Sanchez
ABSENT: Commissioner Nelder

RESOLUTION NO. 77-87

JOSEPH PAYNE

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Joseph Payne in the sum of $53.25 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: November 3, 1986

AYES: Commissioners Davis, Giraudo, Owens, Sanchez
ABSENT: Commissioner Nelder

RESOLUTION NO. 78-87

JOSEPH M. HOPKINS

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Joseph M. Hopkins in the sum of $53.25 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: November 4, 1986

AYES: Commissioners Davis, Giraudo, Owens, Sanchez
ABSENT: Commissioner Nelder

RESOLUTION NO. 79-87

MICHAEL HALL

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Michael Hall in the sum of $53.25 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: November 9, 1986

AYES: Commissioners Davis, Giraudo, Owens, Sanchez
ABSENT: Commissioner Nelder

RESOLUTION NO. 80-87

VICKIE LEOW

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Vickie Leow in the sum of $53.25 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: October 22, 1986

AYES: Commissioners Davis, Giraudo, Owens, Sanchez
ABSENT: Commissioner Nelder

RESOLUTION NO. 81-87

CHARLES JESSEN

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Charles Jessen in the sum of $53.25 as a resulty of a faulty tow, be, and the same is hereby approved.

Date of Incident: November 12, 1986

AYES: Commissioners Davis, Giraudo, Owens, Sanchez
ABSENT: Commissioner Nelder

RESOLUTION NO. 82-87

STEVEN SARAP

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Steven Sarap in the sum of $53.25 as a resulty of a faulty tow, be, and the same is hereby approved.

Date of Incident: November 12, 1986

AYES: Commissioners Davis, Giraudo, Owens, Sanchez
ABSENT: Commissioner Nelder

RESOLUTION NO. 83-87

BARBARA B. MITCHELL

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Barbara B. Mitchell in the sum of $53.25 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: November 12, 1986

AYES: Commissioners Davis, Giraudo, Owens, Sanchez
ABSENT: Commissioner Nelder

RESOLUTION NO. 84-87

JENNIFER HAINSTOCK

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Jennifer Hainstock in the sum of $53.25 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: November 17, 1986

AYES: Commissioners Davis, Giraudo, Owens, Sanchez
ABSENT: Commissioner Nelder

RESOLUTION NO. 85-87

JEAN M. MISCHEL

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Jean M. Mischel in the sum of $53.25 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: October 15, 1986

AYES: Commissioners Davis, Giraudo, Owens, Sanchez
ABSENT: Commissioner Nelder

RESOLUTION NO. 86-87

MARSHA HAYASHI

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Marsha Hayashi in the sum of $53.25 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: November 11-12, 1986

AYES: Commissioners Davis, Giraudo, Owens, Sanchez
ABSENT: Commissioner Nelder

RESOLUTION NO. 87-87

MARSHA ANN VAUGHN

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Marsha Ann Vaughn in the sum of $53.25 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: October 21, 1986

AYES: Commissioners Davis, Giraudo, Owens, Sanchez
ABSENT: Commissioner Nelder

RESOLUTION NO. 88-87

BARBARA HARRINGTON

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Barbara Harrington in the sum of $53.25 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: November 22, 1986

AYES: Commissioners Davis, Giraudo, Owens, Sanchez
ABSENT: Commissioner Nelder

RESOLUTION NO. 89-87

LINDA LAIDLAW GEORGEDES

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Linda Laidlaw Georgedes in the sum of $53.25 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: November 24, 1986

AYES: Commissioners Davis, Giraudo, Owens, Sanchez
ABSENT: Commissioner Nelder

RESOLUTION NO. 90-87

SUZANNE N. GANDY

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Suzanne N. Gandy in the sum of $53.25 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: October 15, 1986

AYES: Commissioners Davis, Giraudo, Owens, Sanchez
ABSENT: Commissioner Nelder

RESOLUTION NO. 91-87

ROY WILSON

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Roy Wilson in the sum of $53.25 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: October 24, 1986

AYES: Commissioners Davis, Giraudo, Owens, Sanchez
ABSENT: Commissioner Nelder

RESOLUTION NO. 92-87

RONALD R. LEONE

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Ronald R. Leone in the sum of $53.25 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: November 18, 1986

AYES: Commissioners Davis, Giraudo, Owens, Sanchez
ABSENT: Commissioner Nelder

RESOLUTION NO. 93-87

JO McCLURE

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Jo McClure in the sum of $53.25 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: September 14, 1986

AYES: Commissioners Davis, Giraudo, Owens, Sanchez
ABSENT: Commissioner Nelder

RESOLUTION NO. 94-87

SCOTT A. KRETSCHMER

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Scott A. Kretschmer in the sum of $53.25 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: November 11, 1986

AYES: Commissioners Davis, Giraudo, Owens, Sanchez
ABSENT: Commissioner Nelder

RESOLUTION NO. 95-87

LARRY S. MONTI

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Larry S. Monti in the sum of $25.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: November 7, 1986

AYES: Commissioners Davis, Giraudo, Owens, Sanchez
ABSENT: Commissioner Nelder

RESOLUTION NO. 96-87

ABC TOWING (VICKERY CHRISTENSON)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of ABC Towing (Vickery Christenson) in the sum of $23.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: November 8, 1986

AYES: Commissioners Davis, Giraudo, Owens, Sanchez
ABSENT: Commissioner Nelder

RESOLUTION NO. 97-87

LEO CHIEN SAETERN

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Leo Chien Saetern in the sum of $11.50 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: October 29, 1986

AYES: Commissioners Davis, Giraudo, Owens, Sanchez
ABSENT: Commissioner Nelder

POLICE COMMISSION REPORT

Commissioner Sanchez announced that the Police Commission met this date in Closed Session on a Personnel Matter and no vote was taken.

CHIEF'S REPORT TO THE POLICE COMMISSION

Chief Jordan gave the Commission an overview of the proposed consideration to update the Department's Black and White fleet by replacing radio cars with vans. He said one of the main considerations other than the feasibility of transporting prisoners would be the cost per unit. He said it would be about a thousand dollars cheaper than a regular radio car. He said the only negative factor encountered so far is that it is not as streamlined in appearance as a regular police radio car and that it might be top heavy and tip over in high speed chases but all this would be considered prior to a decision on the matter.

RESOLUTION NO. 52-87

SETTING OF DATE FOR HEARING OF POLICE OFFICER JAMES P. LASSUS, CENTRAL STATION

WHEREAS, the date for the setting of the hearing of the disciplinary charges filed against Police Officer James P. Lassus, Central Station, was called it having been scheduled for this date; and

WHEREAS, it was requested by Mr. Dave Clisham, Attorney at Law, representing Police Officer James P. Lassus, that the date for the hearing of the disciplinary charges filed against Police Officer James P. Lassus be set for March 5, 1987; therefore be it

RESOLVED, that the date for the hearing of disciplinary charges filed against Police Officer James P. Lassus, Central Station, is scheduled for Thursday, March 5, 1987 at 5:30 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Davis, Giraudo, Owens, Sanchez
ABSENT: Commissioner Nelder

RESOLUTION NO. 53-87

SETTING OF DATE FOR HEARING OF POLICE OFFICER WALTER PINOSKY, CENTRAL STATION

WHEREAS, the date for the setting of the hearing of the disciplinary charges filed against Police Officer Walter Pinosky, Central Station, was called it having been scheduled for this date; and

WHEREAS, it was requested by Mr. Dave Clisham, Attorney at Law, representing Police Officer Walter Pinosky, that the date for the hearing of the disciplinary charges filed against Police Officer Walter Pinosky be set for March 5, 1987; therefore be it

RESOLVED, that the date for the hearing of disciplinary charges filed against Police Officer Walter Pinosky, Central Station, is scheduled for Thursday, March 5, 1987 at 5:30 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Davis, Giraudo, Owens, Sanchez
ABSENT: Commissioner Nelder

After the above matters had been called, the Officers' attorney, Mr. Dave Clisham said that he had three reasons he believed were why these matters should not be scheduled for hearing. One, he said, is that the Officers were charged pursuant to a recommendation from the Office of Citizen Complaints. He continued by saying the OCC had not completed its procedures in that they sent a notice to the Officers telling them that they or the complainant had a right to a hearing. The Officers responded by saying that they wanted a hearing and they did not receive a response from the OCC. He said he wrote to Mr. Schober and receiving no response, he is here tonight requesting the matter be sent back to the OCC so that they can complete their procedures.

Second, he said, he has outlined an argument to Chief Jordan that he should take a look at this matter and then give the Officers notice that he is considering some kind of disciplinary action prior to the time that formal disciplinary charges are brought before the Commission.

He said third and most important is that this case has received some publicity as it was mentioned in the Rob Morse Column in December and he (Mr. Clisham) has since discovered that the Commission Charges are published, that they are given to the news media after they have been filed with the Commission. This, he said he felt was wrong and he intends to make a request that that practice be stopped. He said also in addition to that there was an article in yesterday's Examiner which contained facts that he himself had not known. He said they were told today that that information is available to them. He said he has not picked it up, the SFPOA has not picked it up and neither one of the Officers has seen any of the information or the basis for the Charges being placed against them.

He said he did not feel a date should be scheduled until these matters are cleared up. He said there is a leak here and the Case is being hustled in the news media. He said he has full confidence in Mr. Akins in that he did not release it and that there is only one other place this leak could have come from and that is the OCC.

Commissioner Giraudo said that he would make a motion to have the Secretary to the Commission correspond with Mr. Schober, the Director of OCC and request that he respond to this Commission in writing; 1) by giving the Commission a copy of the response to Mr. Clisham's request that he made in writing to him also that the Commission ask him to appear before the Commission to address the Commission about any possible leak, in terms of confidentiality to ferret out whether that is a reality or whether Mr. Clisham is posturing. This motion was then seconded by Commissioner Davis and unanimously approved.

RESOLUTION NO. 54-87

SETTING OF DATE FOR HEARING OF POLICE OFFICER GEORGE A. LOZANO, NORTHERN STATION

WHEREAS, the date for the setting of the hearing of the disciplinary charges filed against Police Officer George A. Lozano, Northern Station, was called it having been scheduled for this date; and

WHEREAS, it was requested by Mr. Michael Gash, Attorney at Law, representing the San Francisco Police Department, that the date for the hearing of the disciplinary charges filed against Police Officer George A. Lozano be set for March 26, 1987; therefore be it

RESOLVED, that the date for the hearing of disciplinary charges filed against Police Officer George A. Lozano, Northern Station, is scheduled for Thursday, March 26, 1987 at 5:30 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Davis, Giraudo, Owens, Sanchez
ABSENT: Commissioner Nelder

RESOLUTION NO. 55-87

SETTING OF DATE FOR HEARING OF POLICE INSPECTOR BERNARD McKAY, INVESTIGATIONS BUREAU/BURGLARY DETAIL

WHEREAS, the date for the setting of the hearing of the disciplinary charges filed against Police Inspector Bernard McKay, Investigations Bureau - Burglary Detail, was called it having been scheduled for this date; and

WHEREAS, it was requested by Mr. Dave Clisham, Attorney at Law, representing Police Inspector Bernard J. McKay, that the date for the hearing of the disciplinary charges filed against Police Inspector Bernard J. McKay be set for March 12, 1987; therefore be it

RESOLVED, that the date for the hearing of disciplinary charges filed against Police Inspector Bernard J. McKay, Investigations Bureau - Burglary Detail, is scheduled for Thursday, March 12, 1987 at 5:30 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Davis, Giraudo, Owens, Sanchez
ABSENT: Commissioner Nelder

HEARING OF POLICE OFFICER WALTER D. CUDDY, POTRERO STATION

The hearing of the disciplinary charges filed against Police Officer Walter D. Cuddy, Potrero Station, was called it having been set for this date. Police Officer Walter D. Cuddy was charged with violating the Rules and Procedures as follows:

SPECIFICATION NO. 1

Drawing a firearm in a public place without cause (violation of Section II.B of General Order F-1 of the San Francisco Police Department).

in a properly verified complaint by John J. Jordan, Acting Chief of Police of the San Francisco Police Department.

Mr. Michael Gash, Attorney at Law, appeared on behalf of the San Francisco Police Department.

Police Officer Walter D. Cuddy appeared in person and was represented by Mr. Stephen Bley, Attorney at Law.

An opening statement was made by Mr. Michael Gash for the Prosecution.

An opening statement was made by Mr. Stephen Bley for the Defense. Mr. Bley pleaded no contest to the charges on behalf of his client, Officer Walter D. Cuddy.

The following named witness was called by the Prosecution, was sworn and testified:

Lieutenant Homer Hudelson, Company C

The following named witnesses were called by the Defense, were sworn and testified:

Officer Walter D. Cuddy, Company C
Officer Michael J. Reesink, Company C
Captain Frank Reed, Commanding Officer, Potrero Station

Closing statements were then made by both the Prosecuting and Defense Attorneys.

The Commission took the matter under submission, recessed and returned, finding that Specification No. 1 is sustained.

Based on those findings, the Commission requested a recommendation from Chief of Police Frank M. Jordan. It is the recommendation of the Chief of Police that Officer Walter Cuddy be retrained in firearms and be suspended for 15 days, 13 days to be held in abeyance for one year, and two days to be served.

The Commission again took the matter under submission and the following resolution was adopted:

RESOLUTION NO. 56-87

DECISION - HEARING OF POLICE OFFICER WALTER D. CUDDY, POTRERO STATION

WHEREAS, on August 28, 1986, John J. Jordan, Acting Chief of Police, made and served charges against Police Officer Walter D. Cuddy as follows:

SPECIFICATION NO. 1

Drawing a firearm in a public place without cause (violation of Section II.B of General Order F-1 of the San Francisco Police Department).

(1) At all times herein mentioned Walter D. Cuddy, Star No. 1447, was and is a police officer employed by the San Francisco Police Department and assigned to the Golden Gate Division, Potrero Station;

(2) As a police officer, Officer Cuddy (hereinafter "the accused") was and is responsible for knowing and obeying the rules, orders and procedures of the San Francisco Police Department;

(3) On or about June 13, 1986, at approximately 2000 hours, while off-duty and on disability leave the accused was visiting Officer Michael J. Reesink, Star No. 1658, a patient at San Francisco General Hospital. Also present in the hospital room were two female friends of Officer Reesink and the accused;

(4) While visiting Officer Reesink in his hospital room the accused took out a 9mm Barretta automatic and handed it without the clip to Officer Reesink. Officer Reesink pulled the trigger causing the weapon to discharge one round into a bedside table:

(5) The accused by drawing a firearm in the hospital room of Officer Reesink while off-duty and on disability leave, has engaged in conduct which constitutes a violation of Section II.B of General Order F-1 of the San Francisco Police Department which states:

"An officer shall not draw a firearm in any public place except in the line of duty or for inspection by a superior..."

and

WHEREAS, a hearing on said charges was held before the Police Commission pursuant to Section 8.343 of the Charter of the City and County of San Francisco on Thursday, January 15, 1987, and on Thursday, January 15, 1987, the matter was submitted to the Police Commission for decision; and

WHEREAS, the Police Commission finds that the allegations contained in Specification No. 1, violation of Section II.B of General Order F-1 of the San Francisco Police Department, are sustained; therefore be it

RESOLVED, that based on these findings consistent with the Commission's duty to protect the health, safety and general welfare of the citizens of the City and County of San Francisco and the public in general, and in order to promote efficiency and good discipline in the San Francisco Police Department, the Commission orders that the following discipline be imposed:

Specification No. 1

[penalty]
1. 2 on duty days retraining at the Range in the use of automatic weapons
2. 15 days suspension to be held in abeyance for one year
3. To spend 2 full off duty days at the Academy and at the Range

and be it further

RESOLVED, that said retraining at the Range must be certified by the Chief on completion; the 15 days suspension held in abeyance is to be imposed if any related violation occurs within one year; and the two full off duty days at the Academy and the Range are to be spent addressing the new recruits at the Academy, relating this incident and the consequences, and then aid and assist, in whatever time frame during the course of those two days, at the firing range, training in the use of automatic weapons.

AYES: Commissioners Davis, Giraudo, Owens, Sanchez
ABSENT: Commissioner Nelder

Recesses taken during the hearing of Officer Walter D. Cuddy:

7:16 p.m. to 7:30 p.m.
7:31 p.m. to 7:54 p.m.

(The entire proceedings were taken in shorthand form by Ms. Linda Pransky, CSR.)

HEARING OF POLICE OFFICER MICHAEL J. REESING, POTRERO STATION

The hearing of the disciplinary charges filed against Police Officer Michael J. Reesink, Potrero Station, was called it having been set for this date. Police Officer Michael J. Reesink was charged with violating the Rules and Procedures as follows:

SPECIFICATION NO. 1

Discharging a firearm in a reckless and irresponsible manner (violation of Section VI.C of General Order F-1 of the San Francisco Police Department).

in a properly verified complaint by John J. Jordan, Acting Chief of Police of the San Francisco Police Department.

Mr. Michael Gash, Attorney at Law, appeared on behalf of the San Francisco Police Department.

Police Officer Michael J. Reesink appeared in person and was represented by Mr. Stephen Bley, Attorney at Law.

An opening statement was made by Mr. Michael Gash for the Prosecution.

An opening statement was made by Mr. Stephen Bley for the Defense. Mr. Bley pleaded no contest to the charges on behalf of his client, Officer Michael J. Reesink.

The following named witness was called by the Prosecution, was sworn and testified:

Lieutenant Homer Hudelson, Company C

The following named witnesses were called by the Defense, were sworn and testified:

Officer Walter D. Cuddy, Company C
Officer Michael J. Reesink, Company C
Captain Frank Reed, Commanding Officer, Potrero Station

Closing statements were then made by both the Prosecuting and Defense Attorneys.

The Commission took the matter under submission, recessed and returned, finding that Specification No. 1 is sustained.

Based on those findings, the Commission requested a recommendation from Chief of Police Frank M. Jordan. It is the recommendation of the Chief of Police that Officer Michael J. Reesink be retrained in firearms and be suspended for 15 days, 13 days to be held in abeyance for one year, and two days to be served.

The Commission again took the matter under submission and the following resolution was adopted:

RESOLUTION NO. 57-87

DECISION - HEARING OF POLICE OFFICER MICHAEL J. REESINK, POTRERO STATION

WHEREAS, on August 28, 1986, John J. Jordan, Acting Chief of Police, made and served charges against Police Officer Michael J. Reesink as follows:

SPECIFICATION NO. 1

Discharging a firearm in a reckless and irresponsible manner (violation of Section VI.C of General Order F-1 of the San Francisco Police Department).

(1) At all times herein mentioned Michael J. Reesink, Star No. 1658, was and is a police officer employed by the San Francisco Police Department and assigned to the Golden Gate Division, Potrero Station;

(2) As a police officer, Officer Reesink (hereinafter "the accused") was and is responsible for knowing and obeying the rules, orders and procedures of the San Francisco Police Department;

(3) On or about June 13, 1986, at approximately 2000 hours, the accused confined as a patient at San Francisco General Hospital, was visited by Officer Walter D. Cuddy, Star No. 1447. Also present in the hospital room were two female friends of Officer Cuddy and the accused. A nurse was seated in an adjoining room;

(4) On or about June 13, 1986, at approximately 2000 hours, Officer Cuddy took out a 9mm Barretta automatic and handed it to the accused without the clip. The accused pulled the trigger causing the weapon to discharge one round into a bedside table;

(5) The accused by discharging a weapon in a hospital room, while confined as a patient on disability leave has engaged in conduct which constitutes a violation of Section VI.C of General Order F-1 of the San Francisco Police Department, which states:

"The discharging of a firearm in a reckless and irresponsible manner or while under the influence of any substance likely to impair physical or mental processes is prohibited and subject to disciplinary action by the department whether the incident occurs within or outside of the City and County limits."

and

WHEREAS, a hearing on said charges was held before the Police Commission pursuant to Section 8.343 of the Charter of the City and County of San Francisco on Thursday, January 15, 1987, and on Thursday, January 15, 1987, the matter was submitted to the Police Commission for decision; and

WHEREAS, the Police Commission finds that the allegations contained in Specification No. 1, violation of Section VI.C of General Order F-1 of the San Francisco Police Department, are sustained; therefore be it

RESOLVED, that based on these findings consistent with the Commission's duty to protect the health, safety and general welfare of the citizens of the City and County of San Francisco and the public in general, and in order to promote efficiency and good discipline in the San Francisco Police Department, the Commission orders that the following discipline be imposed:

Specification No. 1

[penalty] 1. 2 on duty days retraining at the Range in the use of automatic weapons
2. 15 days suspension to be held in abeyance for one year
3. To spend 2 full off duty days at the Academy and at the Range

and be it further

RESOLVED, that said retraining at the Range must be certified by the Chief on completion; the 15 days suspension held in abeyance is to be imposed if any related violation occurs within one year; and the two full off duty days at the Academy and the Range are to be spent addressing the new recruits at the Academy, relating this incident and the consequences, and then aid and assist, in whatever time frame during the course of those two days, at the firing range, training in the use of automatic weapons.

AYES: Commissioners Davis, Giraudo, Owens, Sanchez
ABSENT: Commissioner Nelder

Recesses taken during the hearing of Officer Michael J. Reesink:

7:16 p.m. to 7:30 p.m.
7:31 p.m. to 7:54 p.m.

(The entire proceedings were taken in shorthand form by Ms. Linda Pransky, CSR.)

The meeting, thereafter, was adjourned at 8:00 p.m.

Willie E. Frazier

Lieutenant Willie E. Frazier
Secretary
THE POLICE COMMISSION

Minutes

JANUARY 29, 1987 SPECIAL MEETING

The Police Commission of the City and County of San Francisco, met in their chambers, Room 551, Hall of Justice, 850 Bryant Street on Thursday, January 29, 1987 at 1700 hours in a Special Meeting.

DOCUMENTS DEPT.
APR 7 1987
SAN FRANCISCO PUBLIC LIBRARY

1. Attorney-Client Conference.

Commissioner Sanchez presiding.

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

JANUARY 29, 1987 REGULAR MEETING

The Police Commission of the City and County of San Francisco, met in their chambers, Room 551, Hall of Justice, 850 Bryant Street on Thursday, January 29, 1987 at 1730 hours in a Regular Meeting.

Commissioner Sanchez presiding.

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

APPROVAL OF MINUTES OF SPECIAL MEETING OF NOVEMBER 17, 1986

Approval of Minutes of Special Meeting of November 17, 1986, the Commissioners having received, approved and returned copies of same.

APPROVAL OF CONSENT CALENDAR

Recommendation of the City Attorney for settlement of the following claims against the City & County of San Francisco:

RESOLUTION NO. 158-87

WILBERT BATISTE vs. CITY & COUNTY OF SAN FRANCISCO,

RESOLVED, that judgement made for settlement of the litigation of Wilbert Batiste in Superior Court No. 800-582 in the sum of $158,621.00 entitled "Wilbert Batiste vs. City and County of San Francisco, et al" as the result of damages sustained, be, and the same is hereby approved.

AYES: Commissioners Davis, Giraudo, Nelder, Sanchez
ABSENT: Commissioner Owens

RESOLUTION NO. 159-87

MARVIN LOPEZ vs. CITY & COUNTY OF SAN FRANCISCO,

RESOLVED, that the recommendation of the City Attorney for settlement of the litigation of Marvin Lopez in Superior Court No. 800-417 in the sum of $3,500.00 entitled "Marvin Lopez vs. City & County of San Francisco, et al" as a result of damages sustained, be, and the same is hereby approved.

Date of Incident: April 24, 1982

AYES: Commissioners Davis, Giraudo, Nelder, Sanchez
ABSENT: Commissioner Owens

RESOLUTION NO. 160-87

JACKSON & KING vs. CITY & COUNTY OF SAN FRANCISCO, et al

RESOLVED, that the recommendation of the City Attorney for settlement of the litigation of Jackson & King in Superior Court No. 790-998 in the sum of $3,000.00 entitled "Jackson & King vs. City and County of San Francisco, et al" as a result of damages sustained, be, and the same is hereby approved.

Date of Incident: September 2, 1981

AYES: Commissioners Davis, Giraudo, Nelder, Sanchez
ABSENT: Commissioner Owens

RESOLUTION NO. 161-87

LORRIE'S

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Lorrie's in the sum of $2,894.70 as a result of damages sustained, be, and the same is hereby approved.

Date of Incident: September 17, 1986

AYES: Commissioners Davis, Giraudo, Nelder, Sanchez
ABSENT: Commissioner Owens

RESOLUTION NO. 162-87

MICHAEL SOUTHWICK, ET AL VS. CITY & COUNTY OF SAN FRANCISCO, et al

RESOLVED, that the recommendation of the City Attorney for settlement of the litigation of Michael Southwick, et al in United States District Court No. C86-1088TEH in the sum of $975.00 entitled "Michael Southwick, et al vs. City & County of San Francisco, et al" as a result of damages sustained, be, and the same is hereby approved.

Date of Incident: January 20, 1985

RESOLUTION NO. 167-87

GEICO INSURANCE (INS: LILLIAN RICE)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Geico Insurance (Ins: Lillian Rice) in the sum of $439.80 as a result of damages sustained, be, and the same is hereby approved.

Date of Incident: September 24, 1986

AYES: Commissioners Davis, Giraudo, Nelder, Sanchez
ABSENT: Commissioner Owens

RESOLUTION NO. 168-87

VINCENT ROVAI

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Vincent Rovai in the sum of $350.00 as a result of damages sustained, be, and the same is hereby approved.

Date of Incident: June 22, 1986

AYES: Commissioners Davis, Giraudo, Nelder, Sanchez
ABSENT: Commissioner Owens

RESOLUTION NO. 169-87

GEORGE WONG vs. CITY & COUNTY OF SAN FRANCISCO, et al

RESOLVED, that the settlement of judgement awarded to George Wong in the sum of $181.50 in Small Claims Court No. 454-787 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: On or about April 1, 1986

AYES: Commissioners Davis, Giraudo, Nelder, Sanchez
ABSENT: Commissioner Owens

RESOLUTION NO. 170-87

ANTONIO REINOSA

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Antonio Reinosa in the sum of $53.25 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: October 20, 1986

AYES: Commissioners Davis, Giraudo, Nelder, Sanchez
ABSENT: Commissioner Owens

RESOLUTION NO. 171-87

ERIC STRATTON

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Eric Stratton in the sum of $53.25 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: October 25, 1986

AYES: Commissioners Davis, Giraudo, Nelder, Sanchez
ABSENT: Commissioner Owens

RESOLUTION NO. 172-87

CONSTANCE MALONE

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Constance Malone in the sum of $53.25 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: November 19, 1986

AYES: Commissioners Davis, Giraudo, Nelder, Sanchez
ABSENT: Commissioner Owens

RESOLUTION NO. 173-87

LAURA E. PELAN

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Laura E. Pelan in the sum of $53.25 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: November 21, 1986

AYES: Commissioners Davis, Giraudo, Nelder, Sanchez
ABSENT: Commissioner Owens

RESOLUTION NO. 174-87

HORACIO R. CANDIA, JR.

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Horacio R. Candia, Jr. in the sum of $53.25 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: November 27, 1986

AYES: Commissioners Davis, Giraudo, Nelder, Sanchez
ABSENT: Commissioner Owens

RESOLUTION NO. 175-87

ABC TOWING (MINN T. LAM)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of ABC Towing (Minn T. Lam) in the sum of $53.25 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: October 21, 1986

AYES: Commissioners Davis, Giraudo, Nelder, Sanchez
ABSENT: Commissioner Owens

RESOLUTION NO. 176-87

ABC TOWING (RUDY NOTHENBERG)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of ABC Towing (Rudy Nothenberg) in the sum of $53.25 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: November 4, 1986

AYES: Commissioners Davis, Giraudo, Nelder, Sanchez
ABSENT: Commissioner Owens

RESOLUTION NO. 177-87

ROGER G. MACHIN

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Roger G. Machin in the sum of $53.25 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: November 7, 1986

AYES: Commissioners Davis, Giraudo, Nelder, Sanchez
ABSENT: Commissioner Owens

RESOLUTION NO. 178-87

DAVID E. LOUIE

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of David E. Louie in the sum of $53.25 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: November 9, 1986

AYES: Commissioners Davis, Giraudo, Nelder, Sanchez
ABSENT: Commissioner Owens

RESOLUTION NO. 179-87

JOHN G. McVERRY

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of John G. McVerry in the sum of $53.25 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: December 2, 1986

AYES: Commissioners Davis, Giraudo, Nelder, Sanchez
ABSENT: Commissioner Owens

RESOLUTION NO. 180-87

NANCY MORITA

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Nancy Morita in the sum of $53.25 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: December 1, 1986

AYES: Commissioners Davis, Giraudo, Nelder, Sanchez
ABSENT: Commissioner Owens

RESOLUTION NO. 180-87

ENRIQUE VARGAS

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Enrique Vargas in the sum of $53.25 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: November 18, 1986

AYES: Commissioners Davis, Giraudo, Nelder, Sanchez
ABSENT: Commissioner Owens

RESOLUTION NO. 182-87

MARY JANE SYLVIA

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Mary Jane Sylvia in the sum of $53.25 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: November 21, 1986

AYES: Commissioners Davis, Giraudo, Nelder, Sanchez
ABSENT: Commissioner Owens

RESOLUTION NO. 183-87

JEFFREY HAAS

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Jeffrey Haas in the sum of $53.25 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: November 21, 1986

AYES: Commissioners Davis, Giraudo, Nelder, Sanchez
ABSENT: Commissioner Owens

RESOLUTION NO. 184-87

RON J. SPINETTI

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Ron J. Spinetti in the sum of $53.25 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: November 21, 1986

AYES: Commissioners Davis, Giraudo, Nelder, Sanchez
ABSENT: Commissioner Owens

RESOLUTION NO. 185-87

ERNEST L. MERCER

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Ernest L. Mercer in the sum of $53.25 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: November 21, 1986

AYES: Commissioners Davis, Giraudo, Nelder, Sanchez
ABSENT: Commissioner Owens

RESOLUTION NO. 186-87

ANNABELLE MICHELETTI

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Annabelle Micheletti in the sum of $53.25 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: November 22, 1986

AYES: Commissioners Davis, Giraudo, Nelder, Sanchez
ABSENT: Commissioner Owens

RESOLUTION NO. 187-87

ALEX L. LEWIS

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Alex L. Lewis in the sum of $53.25 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: November 25, 1986

AYES: Commissioners Davis, Giraudo, Nelder, Sanchez
ABSENT: Commissioner Owens

RESOLUTION NO. 188-87

JOE WEATHERBY

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Joe Weatherby in the sum of $53.25 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: December 1, 1986

AYES: Commissioners Davis, Giraudo, Nelder, Sanchez
ABSENT: Commissioner Owens

RESOLUTION NO. 189-87

EDEN O'BRIEN

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Eden O'Brien in the sum of $53.25 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: November 7, 1986

AYES: Commissioners Davis, Giraudo, Nelder, Sanchez
ABSENT: Commissioner Owens

RESOLUTION NO. 190-87

SUZANNE ELLIS

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Suzanne Ellis in the sum of $53.25 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: November 26, 1986

AYES: Commissioners Davis, Giraudo, Nelder, Sanchez
ABSENT: Commissioner Owens

RESOLUTION NO. 191-87

JAMES JOEL WESSER

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of James Joel Wesser in the sum of $53.25 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: December 5, 1986

AYES: Commissioners Davis, Giraudo, Nelder, Sanchez
ABSENT: Commissioner Owens

RESOLUTION NO. 192-87

JOSE R. BUITRAGO

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Jose R. Buitrago in the sum of $53.25 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: November 30, 1986

AYES: Commissioners Davis, Giraudo, Nelder, Sanchez
ABSENT: Commissioner Owens

RESOLUTION NO. 193-87

WAYNE BASKER

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Wayne Basker in the sum of $53.25 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: December 22, 1986
(Hearing Date)

AYES: Commissioners Davis, Giraudo, Nelder, Sanchez
ABSENT: Commissioner Owens

RESOLUTION NO. 194-87

ROBERT HAL DUPUIS

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Robert Hal DuPuis in the sum of $53.25 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: December 11, 1986

AYES: Commissioners Davis, Giraudo, Nelder, Sanchez
ABSENT: Commissioner Owens

RESOLUTION NO. 195-87

ROBERT J. DUNN

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Robert J. Dunn in the sum of $35.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: November 18, 1986

AYES: Commissioners Davis, Giraudo, Nelder, Sanchez
ABSENT: Commissioner Owens

RESOLUTION NO. 196-87

ABC TOWING (LEMUEL RACEL)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of ABC Towing (Lemuel Racel) in the sum of $34.50 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: October 19, 1986

AYES: Commissioners Davis, Giraudo, Nelder, Sanchez
ABSENT: Commissioner Owens

RESOLUTION NO. 197-87

ABC TOWING (LUANNE L. KIDDER)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of ABC Towing (Luanne L. Kidder) in the sum of $34.50 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: November 11, 1986

AYES: Commissioners Davis, Giraudo, Nelder, Sanchez
ABSENT: Commissioner Owens

RESOLUTION NO. 198-87

ABC TOWING (JOHN PARSON)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of ABC Towing (John Parson) in the sum of $34.50 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: November 1, 1986

AYES: Commissioners Davis, Giraudo, Nelder, Sanchez
ABSENT: Commissioner Owens

RESOLUTION NO. 199-87

DEANNA VICTORINO

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Deanna Victorino in the sum of $23.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: December 2, 1986

AYES: Commissioners Davis, Giraudo, Nelder, Sanchez
ABSENT: Commissioner Owens

POLICE COMMISSION REPORT

Commissioner Sanchez said the Police Commission met in closed session this date under the Brown Act pertaining to an Attorney-Client Conference and no vote was taken.

CHIEF'S REPORT TO THE POLICE COMMISSION

Chief Jordan said the only report he had tonight was an update on the California State Police going on line to police the Soviet Consul and provide security. He said a request was made for the San Francisco Police Department to do this but there are other Consulates in the City that would like to have this same kind of service and the request was respectfully denied. He said the State Police will be on a 24 hour basis but will only be there from 8:00 a.m. to 5:00 p.m. Monday through Friday, in close cooperation with our Northern Police Station. He said after about 90 days there will be a further evaluation of what kind of service is being provided by the State Police and whether it is helpful.

RECOMMENDATION OF THE CHIEF OF POLICE THAT THE POLICE COMMISSION ADOPT A RESOLUTION ON PROPOSED REPEAL OF CONFUSING PROVISIONS OF THE HEALTH CODE RELATING TO BARKING DOG COMPLAINTS

Deputy Chief Casey in addressing this matter said it is a request from the Field Operations Bureau to change an existing Health Code Section. He said it is section (E) which states that two unrelated persons living in different households within three hundred feet of the action of a barking dog disturbance may, after signing an affidavit setting forth the inforamtion in this subsection, request a police officer to issue a citation to the owner of the dog causing the disturbance for violation of this section. He said this will be passed on to the Health Board who in turn, if they concur, will pass it on to the Board of Supervisors. After further discussion Commissioner Nelder made a motion for approval, it was seconded by Commissioner Giraudo and unanimously approved.

RESOLUTION NO. 163-87

PROPOSED REPEAL OF CONFUSING PROVISIONS OF THE HEALTH CODE RELATING TO BARKING DOG COMPLAINTS

WHEREAS, Section 41.12 of the San Francisco Health Code provides for the method of handling complaints concerning barking dogs, and

WHEREAS, the Health Code currently sets forth an affidavit procedure which appears to grant arrest powers to police officers in excess of powers granted by State law, and

WHEREAS, repeal of subparagraph (e) of the San Francisco Health Code would eliminate the affidavit procedure and clarify the authority of police officers responding to barking dog complaints; therefore be it

RESOLVED, that the Police Commission urges the Public Health Board to favorably consider recommending to the Board of Supervisors the repeal of subparagraph (e) of Health Code Section 41.12.

AYES: Commissioners Davis, Giraudo, Nelder, Sanchez
ABSENT: Commissioner Owens

STATUS REPORT ON THE OFFICE OF CITIZEN COMPLAINTS
(a) LARRY LUMPKIN SHOOTING REPORT

Mr. Frank Schober, Director of OCC, asked that the OCC's Annual Report be continued one week and that he be allowed to give his report on the Larry Lumpkin case. The Commissioner then voted to continue the OCC Annual report for one week. Mr. Schober then said the Lumpkin report is as follows, "In its meeting of September 11, 1986, the Police Commission assigned to the Office of Citizens Complaints the re-investigation of the fatal shooting of Mr. Larry Lumpkin by a member of the San Francisco Police Department. The shooting incident which precipitated this investigation occurred on May 20th 1986. The following questions were asked by petitioners to the Commission and became separate subjects of investigation by the Office of Citizen Complaints. (1) Were the proper police firearms policies followed? (2) Why was Mr. Lumpkin shot rather than apprehended? (3) Why was the body of Mr. Lumpkin left outside for more than three hours after the shooting? (4) Were racial slurs uttered by Officers at the scene to Mr. Lumpkin? As related to the General Orders of the San Francisco Police Department these questions were reduced to the following allegations of misconduct. Officers James Miller #875 and Brian Olcomendy #2191, assigned to the Patrol Bureau Task Froce of the San Francisco Police are alleged by the complainant Mr. Larry Johnson-Redd to have (1) Shot and killed Mr. Larry Lumpkin in violation of written Department firearms policies and regulations to wit: Unnecessary Force. (2) Shot and killed Mr. Larry Lumpkin rather than apprehending him; to wit, Unnecessary Force. (3) Used a racial slur in addressing Mr. Lumpkin in violation of Departmental Regulations to wit; Racial Slur.

A portion of our report was a non-departmental investigation. In addition: "Was Medical Examiner's Officer negligent in their performance of duty in failing to pick up the body of Mr. Larry Lumpkin in a timely manner?" I responded to the Commission at the time this case was assigned that I would assign investigators on a full time basis to the case, check and re-check every aspect of the case work already completed by the Department and by the Office of the District Attorney, re-interview all witnesses contacted thus far, determine if there were other witnesses to the shooting and contact and interview them in an effort to answer the questions posed by Mr. Johnson-Redd and the petitioners of the Outer-Mission Ingleside Association. The investigators assigned to the case reported to me regularly concerning their progress and the re-investigation. They obtained the full and complete support of the investigators whose work preceeded ours. My office obtained the discovery and disclosure of materials related to the case that were in the possession of the SFPD's Bureau of Investigations, of the District Attorney of the City and County of San Francisco, the City's Medical Examiner and finally of the shooting review Committee of the SFPD. I rescheduled other investigations and gave first and full priority to this investigation and authorized as much overtime as was necessary so that this case might be expeditiously completed. The case logs of this case revealed that my investigators reviewed and analyzied all tapes and written testimony taken by previous investigators in the case, that all available physical evidence was re-examined in light of the questions posed by Mr. Johnson-Redd and the OMI Association to the Commission, that all available witnesses were re-interviewed by the OCC Staff, that one new witness was contacted and interviewed, that drawings and on site walk throughs and re-enactments were conducted by the OCC. At my last meeting with the Commission I asked for additional time to obtain expert opinion in dealing with a technical problem that had arisen during the latter portion of our investigation. It concerned the identification of an Officer on a voice tape maintained by the San Francisco Police Department. I asked for and obtained the services of a judiciously qualified expert on speech patterns, voice frequencies, and perceptual inflections of voice that might give us a positive identification of the Officer. The expert's opinion has been rendered it does not provide us with sufficient evidence to identify the officer in question. My investigation concludes the following with respect to the questions posed by Mr. Larry Johnson-Redd of the OMI Association: Question #1, Was the authorized police firearms policies and regulations followed by the officers concerned? Answer: After reviewing the evidence I conclude that these policies were followed as proscribed, that the officers were in danger from the car being driven by Mr. Lumpkin, that Mr. Lumpkin was fleeing from an attempt by the officers to arrest him for a felony, that they acted in accordance with the rules and regulations of the Department. Question #2, Why was Mr. Lumpkin shot rather than apprehended? Answer: In view of both the circumstances and written General Orders of the Department, the Officers may have had no choice but to fire under the conditions posed by Mr. Lumpkin's attempt to flee the scene following attempts by the Officers to arrest him.

Question #3, Why was the body of Mr. Lumpkin left out on the street for over 3 hours following the shooting? Answer: The SFPD does not have responsibility for the removal of bodies from the city's streets. On the day in question, the Coroner's Office lacked sufficient staff to remove the body in a timely manner. Question #4, Were racial epethets used by the officers and were they directed at Mr. Lumpkin? Answer: No clear evidence of such action by the officers exist. In conclusion I wish to make the following observations and recommendations for the Commission, first, it appeared to my investigators and I agree with their observations and conclusions in this matter that the Department's policies with respect to shooting at moving vehicles, if not too restrictive, may be subject to mis-interpretation by officers confronted with situations similar to those posed by this case. I recommend to the Commission that the use of force General Order and the Training Bulletin which relates to it, which is issued on firing at moving vehicles, be re-evaluated and where necessary, coordinated and made clear. And that all such steps that may be necessary to enhance training and compliance with the revised General Order be taken by the Department. Second, my Investigators observed during the course of this investigation the policy of the Department with respect to the use of non-standard equipment. The officers in the case were both in plainclothes and were relatively in deep undercover. Very importantly the vehicle they were driving was a private vehicle authorized to be such by the Department. The vehicle did not have a standard in vehicle radio. The radio used by the officers was a hand held radio. Such radios have notable deficiencies, poor coverage and are subject to dead spots and blackouts. There was a communications problem in this case. In my opinion, looking at the circumstances, the use of such non-standard equipment may pose a danger to the officer as well as to the citizens involved especially during a felony stop. This concludes my remarks. The full case and supporting evidence I now place before you. My principal Investigator, Mr. Allen Houston, is to my left and is ready to answer questions."

Commissioner Sanchez then thanked Mr. Schober and acknowleged receipt of the report at this time. He said this is the first time the Commission has heard the summation of the Report-resulting from the request the Commission made for an investigation when the petition on the issue was brought to the Commission by a number of citizens on September 11, 1986. He said the Commission will need time to take this under consideration and review it pertaining to both the summation by Director Schober and the report itself. He, thereafter, gave interested parties an opportunity to speak. The first speaker was Mr. Larry Ukali Johnson-Redd, representing an Ad Hoc Committee of concerned citizens. He took issue with the statement that he represented OMI Citizens. He said he wanted to know when would concerned citizens get a copy of the report as it is as full of holes as Larry Lumpkin. He continued by saying where does the whitewash end and the justice begin. He said of all the cases that have happened in the history of police brutality this one is the most obvious case of police using excessive force and actually murdering a black citizen.

He said the investigation did not answer the following questions: "Why did the Officers Vehicle have out of State License plates?, Why did they call Larry Lumpkin, an innocent citizen of this country until proven guilty, a nigger?, Why did they continue to call him a nigger even while they were shooting? Nigger you're dead, that is what we heard. Why was he left outside for three hours? That question, he said, has not been answered, it has not been answered properly. He said the response time is better for a dog or a cat then it was for Larry Lumpkin. He continued by saying why did the ambulance leave? An ambulance came, he said, and treated one of the officers for his hand but that ambulance did not touch Larry Lumpkin. Did the ambulance have a doctor in it and if it did why didn't the Doctor get out and go and declare him dead or if the ambulance didn't have a doctor how did they know if he was dead or not and why didn't they pick him up and rush him to the hospital? He said, so, these are the questions they want answered by this investigation. He said they also wanted to know why a fleeing suspect would be shot because according to the most recent Supreme Court decision, a suspect who is fleeing is still innocent and should have been apprehended especially with all of the re-enforcement that was coming and also if he had said he wanted to give up. He said his ad hoc committee, at the September 11, 1986 Commission Meeting, did not know that there was a tape in existence with Lumpkin pleading for his life. He continued by saying that now that this is known why is it then that justice has been so long delayed. He said they are all aware that justice delayed is justice denied. He said his committee would continue to call for a Special Prosecutor because there are just too many cozy relationships between Brian Olcomendy and his big powerful father Judge Domminic Olcomendy which a lot of black people call Maximum Olcomendy because every time he has a chance he throws the whole book at black people. Now, he said, the Judge is doing every thing possible to make sure his son does not taste the same justice he has been giving to blacks in overdoses for years. He said his committee would continue to call upon Governor George Dukemejian, Mayor Dianne Feinstein and also the State Attorney General Van De Kamp to come into this case with a Special Prosecutor. He said the Police Department cannot investigate cases of misconduct by its Officers, the OCC now reveals it cannot investigate misconduct cases by SFPD Officers so it will take a Special Prosecutor now to come here and see that Larry Lumpkin and his family receive justice.

Others Speakers were Mr. Duane Mayberry, who said he couldn't believe anything that had been said here and that all of them had children and no one likes murder.

Ms. Linda Henry, spoke and said that she was Larry Lumpkin's sister. She said she can't believe what she had heard here tonight. She said she heard a tape with her brother begging for his life, and the police officers killed him. She said maybe next time they will kill her son who is eight years old.

Other speakers were Ms. Shirley Henry, also Lumpkin's sister, Mr. Baba Holmes and Mr. John Crew, Attorney for the American Civil Liberties Union, who said he did not want to repeat what has already been said but so far he and the people here have more questions than answers. He said there were very basic questions: "Did the Officers identify themselves? If the shooting was justified because of self defense, on what grounds was it self defense? Did the Officers fear for their lives, was that fear reasonable? Was the justification because the felon or the suspect was fleeing the scene? Was the abrogation on the part of the officer that that is the reason the shooting took place, if so, what reason did they have and if it was, was it an imminently dangerous situation?" He said those sorts of basic questions have not been addressed. He said if there are certain issues where you have conflicting testimony that the finding is insufficient evidence there is another part of the OCC process that seems to be ignored here is the hearing process. He continued by saying that there are independent Hearing Officers to facilitate exactly this type of situation where you have conflicting testimony, conflicting versions to try to impartially weigh those accounts and come up with some sort of conclusion. He said in just a final comment, if there were two full time investigators working on the report, is this the report of both of those investigators one of whom is here tonight and he would be curious to hear what the situation of that is. One other speaker appeared and said that her name was Patty Ocourley, and that she was the Chairperson of the 7th Africa Committee for the National Conference of Black Lawyers. She said they have watched this case with much interest and from what she can see that has gone on with it, all she can say is that San Francisco is in sad shape. She said children were in the area when this occurred and for the Coroner to allow the man's body to remain there in the open for that extended period of time is shameful. She said that is the same thing that was done to blacks in the south when they were lynched and hanged in trees and left that way for days as a message to other people.

Commissioner Sanchez said that since this is the first time the Commission has directed that a comprehensive investigation such as this be made, procedurally, he would assume that the Commission would read it and if there are additional questions then it would be calendared once again and a finding rendered. After a brief 2 minute recess the Commission's President, Dr. David Sanchez said that for the record it is acknowledged the Commission did receive the Larry Lumpkin report made by the OCC at the Commission meeting tonight. He said the Commission will be reviewing it as it does all of its report before making any comment. Commissioner Owens said that she would make a motion to calendar the report for a Commission finding on February 19, 1987. It was seconded and unanimously approved.

RESOLUTION NO. 166-87

RECOMMENDATION OF THE CHIEF THAT THE POLICE COMMISSION CONDUCT A HEARING IN THE MATTER OF LUXOR CAB CO. INDICATING THAT LUXOR HAS VIOLATED APPENDIX F, SECTION 5, SUBDIVISION (a) OF THE CHARTER OF THE CITY AND COUNTY OF SAN FRANCISCO (CONTINUED FROM MEETING OF DECEMBER 18, 1986)

WHEREAS, the date for the hearing on the recommendation of the Chief of Police that the Police Commission conduct a hearing in the matter of Luxor Cab Company indicating that Luxor has violated Appendix F, Section 5, Subdivision (a) of the Charter of the City and County of San Francisco, was called it having been continued from the meeting of December 18, 1986, and

WHEREAS, it was requested by the Police Commission that the date for the hearing on Luxor Cab Company be continued to February 26, 1987; therefore be it

RESOLVED, that the date for the hearing in the matter of Luxor Cab Company be set for Thursday, February 26, 1987 at 5:30 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

Veterans vs. Speck was continued also at this time to February 26, 1987.

RESOLUTION NO. 164-87

REQUEST FOR A SUPPLEMENTAL APPROPORIATION AMOUNTING TO $450,565 TO ADJUST UNIFORMED SALARIES TO REFLECT NEW RATES OF PAY IN THE CITY OF SAN JOSE

RESOLVED, that the Police Commission hereby approves a request for a supplemental appropriation amounting to $450,565 to adjust uniformed salary rates by .4% for the current Fiscal Year, retroactive to November 2, 1986, as authorized by City Charter Section 8.405. This section authorizes that pay rates paid uniformed members of the Police and Fire Departments be adjusted during the Fiscal Year, should cities which are included in the annual salary survey settle after August 25th. The City of San Jose did settle after August 25, 1986.

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

RESOLUTION NO. 165-87

STATUS REPORT ON POLICE OFFICER JOHNNIE FLANNIGAN, COMMUNICATIONS DIVISION

WHEREAS, the status report on Police Officer Johnnie Flannigan, Communications Division, was called it having been set for this date, and

WHEREAS, it was requested by Mr. Jerry Akins, Attorney at Law for the San Francisco Police Department, that the matter be handled off calendar; therefore be it

RESOLVED, that the status report on Police Officer Johnnie Flannigan, Communications Division, is continued off calendar.

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

The meeting, thereafter, was adjourned at 7:40 p.m.

Willie E. Frazier

Lieutenant Willie E. Frazier
Secretary
THE POLICE COMMISSION

FEBRUARY 5, 1987 SPECIAL MEETING

The Police Commission of the City and County of San Francisco met in their chambers, Room 551, Hall of Justice, 850 Bryant Street on Thursday, February 5, 1987, at 1700 hours in a Special Meeting.

DOCUMENTS DEPT.
APR 10 1987
SAN FRANCISCO PUBLIC LIBRARY

1. Attorney-Client Conference

Commissioner Sanchez presiding.

AYES: Commissioners Giraudo, Nelder, Sanchez
ABSENT: Commissioners Davis, Owens

FEBRUARY 5, 1987 REGULAR MEETING

The Police Commission of the City and County of San Francisco met in their chambers, Room 551, Hall of Justice, 850 Bryant Street on Thursday, February 5, 1987 at 1730 hours in a Regular Meeting.

Commissioner Sanchez presiding.

AYES: Commissioners Giraudo, Nelder, Sanchez
ABSENT: Commissioners Davis, Owens

APPROVAL OF MINUTES OF MEETING ON NOVEMBER 20, 1986

Approval of Minutes of Meeting on November 20,1986, the Commissioners having received, approved and returned copies of same.

APPROVAL OF CONSENT CALENDAR

Recommendation of the City Attorney for settlement of the following claims against the City & County of San Francisco:

RESOLUTION NO. 205-87

JOHN STEVENS et al vs. CITY & COUNTY OF SAN FRANCISCO, et al

RESOLVED, that the recommendation of the City Attonrey for settlement of the litigation of John Stevens aka Ras Ion and Amos Cook aka Ras Soma vs City and County of San Francisco, et al, in Superior Court No. 835-199 in the sum of $38,000.00 entitled "John Stevens aka Ras Ion, Amos Cook aka Ras Soma vs Daniel J. Hance, City and County of San Francisco, et al" for damages sustained, be, and the same is hereby approved.

Date of Incident: March 22, 1984

AYES: Commissioners Giraudo, Nelder, Sanchez
ABSENT: Commissioners Davis, Owens

RESOLUTION NO. 206-87

JOHN KURYLAK

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of John Kurylak in the sum of $100.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: December 9, 1986

AYES: Commissioners Giraudo, Nelder, Sanchez
ABSENT: Commissioners Davis, Owens

RESOLUTION NO. 207-87

ANGELA PENINGER

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Angela Peninger in the sum of $100.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: November 5, 1986

AYES: Commissioners Giraudo, Nelder, Sanchez
ABSENT: Commissioners Davis, Owens

RESOLUTION NO. 208-87

ABC TOWING (RADZIAK WAWRZYNIEC)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of ABC Towing (Radziak Wawrzyniec) in the sum of $99.50 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: December 26, 1986

AYES: Commissioners Giraudo, Nelder, Sanchez
ABSENT: Commissioners Davis, Owens

RESOLUTION NO. 209-87

JACK C. BENEZRA

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Jack C. Benezra in the sum of $99.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: December 19, 1986

AYES: Commissioners Giraudo, Nelder, Sanchez
ABSENT: Commissioners Davis, Owens

RESOLUTION NO. 210-87

LEWIS SCOTT

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Lewis Scott in the sum of $99.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: December 9, 1986

AYES: Commissioners Giraudo, Nelder, Sanchez
ABSENT: Commissioners Davis, Owens

RESOLUTION NO. 211-87

SUZANNE BENNETT

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Suzanne Bennett in the sum of $87.75 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: December 24 and 26, 1986

AYES: Commissioners Giraudo, Nelder, Sanchez
ABSENT: Commissioners Davis, Owens

RESOLUTION NO. 212-87

ABC TOWING (JAY KOVATCH)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of ABC Towing (Jay Kovatch) in the sum of $87.75 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: December 11, 1986

AYES: Commissioners Giraudo, Nelder, Sanchez
ABSENT: Commissioners Davis, Owens

RESOLUTION NO. 213-87

ABC TOWING (K.I. TSANG PING)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of ABC Towing (K.I. Tsang Ping) in the sum of $87.75 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: December 22, 1986

AYES: Commissioners Giraudo, Nelder, Sanchez
ABSENT: Commissioners Davis, Owens

RESOLUTION NO. 214-87

ABC TOWING (DENIS O'SULLIVAN)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of ABC Towing (Denis O'Sullivan) in the sum of $87.75 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: December 13, 1986

AYES: Commissioners Giraudo, Nelder, Sanchez
ABSENT: Commissioners Davis, Owens

RESOLUTION NO. 215-87

ROBERT SMITH

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Robert Smith in the sum of $87.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: December 16, 1986

AYES: Commissioners Giraudo, Nelder, Sanchez
ABSENT: Commissioners Davis, Owens

RESOLUTION NO. 216-87

JOHN HOAG

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of John Hoag in the sum of $76.50 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: January 6, 1987

AYES: Commissioners Giraudo, Nelder, Sanchez
ABSENT: Commissioners Davis, Owens

RESOLUTION NO. 217-87

ABC TOWING (M. SPEIGEL)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of ABC Towing (M. Speigel) in the sum of $75.35 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: December 25, 1986

AYES: Commissioners Giraudo, Nelder, Sanchez
ABSENT: Commissioners Davis, Owens

RESOLUTION NO. 218-87

INA D. HENDERSON

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Ina D. Henderson in the sum of $65.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: December 26, 1986

AYES: Commissioners Giraudo, Nelder, Sanchez
ABSENT: Commissioners Davis, Owens

RESOLUTION NO. 219-87

BESSIE MacNEAL

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Bessie MacNeal in the sum of $65.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: December 27, 1986

AYES: Commissioners Giraudo, Nelder, Sanchez
ABSENT: Commissioners Davis, Owens

RESOLUTION NO. 220-87

ABC TOWING (ALISON HARDY)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of ABC Towing (Alison Hardy) in the sum of $65.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: December 29, 1986

AYES: Commissioners Giraudo, Nelder, Sanchez
ABSENT: Commissioners Davis, Owens

RESOLUTION NO. 221-87

FREDERICO GUZMAN

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Frederico Guzman in the sum of $65.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: January 5, 1987

AYES: Commissioners Giraudo, Nelder, Sanchez
ABSENT: Commissioners Davis, Owens

RESOLUTION NO. 222-87

CHARLES JADALLAH

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Charles Jadallah in the sum of $65.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: January 3, 1987

AYES: Commissioners Giraudo, Nelder, Sanchez
ABSENT: Commissioners Davis, Owens

RESOLUTION NO. 223-87

NANCY S. FREUND

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Nancy S. Freund in the sum of $65.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: January 2, 1987

AYES: Commissioners Giraudo, Nelder, Sanchez
ABSENT: Commissioners Davis, Owens

RESOLUTION NO. 224-87

ELLIOTT J. TOPOREK

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Elliott J. Toporek in the sum of $65.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: January 10, 1987

AYES: Commissioners Giraudo, Nelder, Sanchez
ABSENT: Commissioners Davis, Owens

RESOLUTION NO. 225-87

SARA C. HARE

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Sara C. Hare in the sum of $64.75 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: December 10, 1986

AYES: Commissioners Giraudo, Nelder, Sanchez
ABSENT: Commissioners Davis, Owens

RESOLUTION NO. 226-87

MICHELE WARD

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Michele Ward in the sum of $60.16 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: December 5, 1986

AYES: Commissioners Giraudo, Nelder, Sanchez
ABSENT: Commissioners Davis, Owens

RESOLUTION NO. 227-87

SHELLEY SUSSMAN

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Shelley Sussman in the sum of $53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: December 9, 1986

AYES: Commissioners Giraudo, Nelder, Sanchez
ABSENT: Commissioners Davis, Owens

RESOLUTION NO. 228-87

WILLIAM A. NEWSOM

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of William A. Newsom in the sum of $53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: (Hearing date) November 19, 1986

AYES: Commissioners Giraudo, Nelder, Sanchez
ABSENT: Commissioners Davis, Owens

RESOLUTION NO. 229-87

MARY BEESON

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Mary Beeson in the sum of $53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: December 19, 1986

AYES: Commissioners Giraudo, Nelder, Sanchez
ABSENT: Commissioners Davis, Owens

RESOLUTION NO. 230-87

GEORGIANA JACKSON

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Georgiana Jackson in the sum of $53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: October 28, 1986

AYES: Commissioners Giraudo, Nelder, Sanchez
ABSENT: Commissioners Davis, Owens

RESOLUTION NO. 231-87

RICHARD DEAR

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Richard Dear in the sum of $53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: December 7, 1986

AYES. Commissioners Giraudo, Nelder, Sanchez
ABSENT: Commissioners Davis, Owens

RESOLUTION NO. 232-87

ZIPPORAH COLLINS

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Zipporah Collins in the sum of $53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: November 17, 1986

AYES: Commissioners Giraudo, Nelder, Sanchez
ABSENT: Commissioners Davis, Owens

RESOLUTION NO. 233-87

THOMAS CLAAR METZ

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Thomas Claar Metz in the sum of $53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: December 5, 1986

AYES: Commissioners Giraudo, Nelder, Sanchez
ABSENT: Commissioners Davis, Owens

RESOLUTION NO. 234-87

MARIE V. MANSI

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Marie V. Mansi in the sum of $53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: November 29, 1986

AYES: Commissioners Giraudo, Nelder, Sanchez
ABSENT: Commissioners Davis, Owens

RESOLUTION NO. 235-87

MIKE CHI

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Mike Chi in the sum of $53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: December 19, 1986

AYES: Commissioners Giraudo, Nelder, Sanchez
ABSENT: Commissioners Davis, Owens

RESOLUTION NO. 236-87

DAVID R. STUART

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of David R. Stuart in the sum of $50.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: December 20-28, 1986

AYES: Commissioners Giraudo, Nelder, Sanchez
ABSENT: Commissioners Davis, Owens

POLICE COMMISSION REPORT

Commissioner Sanchez said the Police Commission met this date in closed session under the Brown Act in an Attorney-Client Conference and no vote was taken.

Commissioner Nelder addressing the Chief said, because the San Francisco Police Department's equipment is getting so cumbersome to carry in a regular radio car, he is considering changing to another type of vehicle for patrol use? Chief Jordan said that the Department is looking at the mini-vans which are a larger size and presents higher visibility in terms of observation while riding and equipment carrying capability. He said the Department has already experimented with one such vehicle and is now sending one out to each of the nine different stations and one to the Tactical Unit for further evaluation. He said the Department has ordered ten of the vehicles but at this time have not received them.

(a) PUBLIC COMMENTS

No person(s) in attendance in the audience requested to make a public comment.

CHIEF'S REPORT TO THE POLICE COMMISSION

Chief Jordan said he had nothing else to add at this time.

RESOLUTION NO. 200-87

NOTIFICATION AND FILING OF CHARGES AGAINST POLICE OFFICER DARRYL S. PERKINS, MISSION STATION

WHEREAS, charges of violating the Rules and Procedures of the San Francisco Police Department were filed against Police Officer Darryl S. Perkins, Mission Station, as follows:

SPECIFICATION NO. 1

Engaging in conduct which tends to subvert the good order, efficiency or discipline of the Department or which reflects discredit upon the Department (violation of Rule A-9 of General Order D-1 of the San Francisco Police Department);

SPECIFICATION NO. 2

Failure to report the use of force against a prisoner (violation of Rule XII of General Order F-4 of San Francisco Police Department);

SPECIFICATION NO. 3

Failure to protect the safety of a prisoner while the prisoner is in a member's custody (violation of Rule A-37 of General Order D-1 of the San Francisco Police Department).

by Frank M. Jordan, Chief of Police, San Francisco Police Department; therefore be it

RESOLVED, that the date for the setting of the hearing of the disciplinary charges filed against Police Officer Darryl S. Perkins, Mission Station, is scheduled for Thursday, February 19, 1987 at 5:30 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Giraudo, Nelder, Sanchez
ABSENT: Commissioners Davis, Owens

RESOLUTION NO. 201-87

NOTIFICATION AND FILING OF CHARGES AGAINST POLICE OFFICER JOHNNIE FLANNIGAN, TECHNICAL SERVICES BUREAU/COMMUNICATIONS

WHEREAS, charges of violating the Rules and Procedures of the San Francisco Police Department were filed against Police Officer Johnnie Flannigan, Technical Services Bureau, Communications Division, as follows:

SPECIFICATION NO. 1

Possession or using controlled substances as defined under the California Uniform Controlled Substances Act without a valid prescription (violation of Rule IV, Subsection C, of General Order D-4 of the San Francisco Police Department);

by Frank M. Jordan, Chief of Police, San Francisco Police Department; therefore be it

RESOLVED, that the date for the setting of the hearing of the disciplinary charges filed against Police Officer Johnnie Flannigan, Technical Services Bureau, Communications Division, is scheduled for Thursday, February 19, 1987 at 5:30 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Giraudo, Nelder, Sanchez
ABSENT: Commissioners Davis, Owens

RESOLUTION NO. 202-87

NOTIFICATION AND FILING OF CHARGES AGAINST POLICE OFFICER MAURICE E. EDWARDS, POTRERO STATION

WHEREAS, charges of violating the Rules and Procedures of the San Francisco Police Department were filed against Police Officer Maurice E. Edwards, Potrero Station, as follows:

SPECIFICATION NO. 1

Engaging in conduct which tends to subvert the good order, efficiency or discipline of the Department or which reflects discredit upon the Department (violation of Rule A-9 of General D-1 of the San Francisco Police Department).

by Frank M. Jordan, Chief of Police, San Francisco Police Department; therefore be it

RESOLVED, that the date for the setting of the hearing of the disciplinary charges filed against Police Officer Maurice E. Edwards, Potrero Station, is scheduled for Thursday, February 19, 1987 at 5:30 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Giraudo, Nelder, Sanchez
ABSENT: Commissioners Davis, Owens

REQUEST OF THE CHIEF OF POLICE THAT THE POLICE COMMISSION ADOPT A RESOLUTION ON PREGNANCY, MATERNITY AND CHILD CARE POLICY FOR THE POLICE DEPARTMENT

Deputy Chief Willis Casey advised the Commission that this item can be construed to be a house keeping matter. He said for some reason, in the past, this has never been made a matter of Department Policy. He said in looking at it, it is in four parts: Pregnancy policy, Maternity Leave, Child Care Leave, and request for Leave. He said the last three are covered within the Civil Service Rules that govern all city employees and are now going to be included in the policy. He said the first one, the Pregnancy Policy, is a practice that has been going on in the Police Department since we have had women police officers. He said it has been written up but never officially adopted. He said the Department is asking the Commission to adopt it tonight to make it an Official Department Policy. After further discussion Commissioner Nelder made a motion for adoption, it was seconded by Commissioner Giraudo and unanimously approved.

RESOLUTION NO. 203-87

PREGNANCY, MATERNITY AND CHILD CARE POLICY FOR THE POLICE DEPARTMENT

WHEREAS, the San Francisco Police Department has employees who are subject to situations wherein they are required to take time from their jobs to care for minor children, and

WHEREAS, the City and County of San Francisco recognizes the need to have children of employees receive child care at critical time of development, and

WHEREAS, the Police Commission recognizes the need to allow for time for employees to care for minor children, and

WHEREAS, the City and County of San Francisco has allowed in Civil Service Rules, practices which govern the administration of a policy for a maternity and child care leave; therefore be it

RESOLVED, that San Francisco Police Commission hereby adopt the following as a policy of the San Francisco Police Department.

AYES: Commissioners Giraudo, Nelder, Sanchez
ABSENT: Commissioners Davis, Owens

RESOLUTION NO. 237-87

RECOMMENDATION OF THE CHIEF THAT THE POLICE COMMISSION REVOKE LIMOUSINE PERMIT AND MOTORIZED RICKSHAW PERMITS HELD BY EDMUND JUNG AND DENIAL OF HIS SUSPENSION OF OPERATION REQUEST

WHEREAS, the date for the hearing on the recommendation of the Chief of Police that the Police Commission revoke Limousine Permit #L-18 and Motorized Rickshaw Permits MR-1, MR-2 and MR-3 held by Mr. Edmund Jung and denial of his suspension of operation request, was called it having been continued from the meeting of January 22, 1987, and

WHEREAS, it was requested by the Police Commission that the date for the setting of hearing on the revocation of permits held by Mr. Edmund Jung and his request for suspension of operation be scheduled for February 19, 1987; therefore be it

RESOLVED, that the date for the setting of the hearing on the revocation of permits held by Mr. Edmund Jung and his request for suspension of operation be scheduled for Thursday, February 19, 1987 at 5:30 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Giraudo, Nelder, Sanchez
ABSENT: Commissioners Davis, Owens

RESOLUTION NO. 204-87

HEARING OF POLICE INSPECTOR THOMAS M. MAZZUCCO, INVESTIGATIONS BUREAU/JUVENILE SECTION

WHEREAS, the date for the hearing of the disciplinary charges filed against Police Inspector Thomas M. Mazzucco, Investigations Bureau, Juvenile Section, was called it having been scheduled for this date; and

WHEREAS, it was requested by the Police Commission that the date for the setting of the hearing on the disciplinary charges filed against Inspector Thomas M. Mazzucco be scheduled for February 19, 1987; therefore be it

RESOLVED, that the date for the setting of the hearing on disciplinary charges filed against Inspector Thomas M. Mazzucco, Investigations Bureau, Juvenile Section, is set for Thursday, February 19, 1987 at 5:30 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Giraudo, Nelder, Sanchez
ABSENT: Commissioners Davis, Owens

STATUS REPORT ON THE OFFICE OF CITIZEN COMPLAINTS

Director Frank Schober, Officer in Charge of the Office of Citizen Complaints, said he had a number of printed items to give to the Commissioners. However, he said, he would like to summarize them prior to passing them out. He said at the time of his last report to the Police Commission, three Police Recommendations were made by the Commission for the OCC to implement. He said they were posed in the form of questions and are stated herewith: (1) "What is the OCC doing to improve the quality and level of its investigations?" (2) "What is the OCC doing to enhance its contact with Community Groups in the City?" and (3) "How can the OCC provide more efficient round the clock multi-lingual service for the citizens of the city?"

(1) He said, to answer no. 1, the OCC has formed within existing staff resources a Complaint Review Committee (CRC) which meets daily to review complaints received from citizens in the 24 hours preceeding this meeting. It enforces standards for complaint reception addressing the qualities of completeness and accuracy on the part of the intake investigators.

(2) In answer to no. 2, he said, OCC distributes a journal that they want to orient more to the community as well as it is oriented to the department. The purpose is to assist the Department in its enhancement of a professional response by its officers to citizens. He said, also, they have instituted several other programs with respect to community links, they now have developed an OCC volunteers program. Selected volunteers nominated by the community groups of the city who will be trained by the OCC and will assist in complaint reception and screening. He said the program is scheduled to be in place by March of 1987. He said the OCC is in the process of publishing brochures, he then handed out copies of the draft of one to the Commissioners, to be distributed to community groups in the city detailing methods by which such groups can assist the OCC and support the Department's efforts to increase the level and quality of Officer contact with the citizens they serve. He said on March 17th, 1987, the OCC will host an open house at its new quarters at 555 7th Street.

(3) He said in answer to no. 3, the OCC has attempted to provide more around the clock services by placing 4 OCC Investigators on duty with beepers when they are away from the office or their home telephones. He said the contract answering service has been required to ask complainants who call after duty hours whether or not the complaint can wait until the beginning of the next working day. He said if in the opinion of the calling party it is a matter that is time sensitive and does not admit a delay, the answering service has been instructed to call one of the 4 OCC duty personnel who are available around the clock and after normal working hours. He said, with respect to multi-lingual service, the Department has made a survey of its personnel who are bi-lingual. He continued by saying that they found 25 different languages that those personnel are able to speak and translate. He said the OCC has this list of persons at its disposal and can contact them through communications if necessary. He continued on citing Policy Recommendations made for the Department by OCC to the Commission. He said the OCC made Policy Recommnedations which the Commission approved and the SFPD are now acting on them. He then named and reviewed the success of those policy recommendations. NAMETAGS: These are now required to be worn by all police personnel on duty in uniform, he says this helps the OCC in identifying officers when star numbers cannot be read. ARREST ON WARRANTS: He said the Department has either altered or reinforced its policy with respect to provision of information to citizens who are arrested for an excess number of traffic warrants as the number of complaints resulting from such was significantly reduced in 1986. PROPERTY COMPLAINTS: This he said may have been due to the OCC recommendation, but it is certainly due to the Department's vigorous action, that training be enhanced and procedures be refined for the booking of prisoners property. He said what has happened is that those property complaints which numbered and amounted to about 7% of the OCC complaints in 1985 fell to virtually zero in 1986. He said another item of concern was the double locking of handcuffs. He said in its 1985 annual report the OCC recommended that Officers should be required to double lock handcuffs when ever they are applied as a matter of standard operating procedure. He said, as a result, complaints arising from mis-application of handcuffs fell in 1986 this may or may not indicate that the policy recommendation has had a salutary effect as the OCC is not aware as to how it has been applied but the OCC will continue to make this recommendation.

He then continued with the OCC objectives for this year. He said they suggested a possible reduction of 25% of complaints for the Department in 1986. He said the Department came close to this objective in that it had a 21% reduction in complaints in 1986. He said, also, there were two other items that the Commission should know with respect to that reduction: One is that in 1986 the OCC identified 88 officers or 4.5% of the force of sworn members as liable for 537 complaints. Nearly one/third of the total received. He said the Department's Personnel Improvement Program has reacted to this set of facts in a variety of positive ways. He said all of these officers have been counseled at appropriate levels of the Chain of Command.

As a result of counseling some named officers have been re-assigned, some are being re-trained, some have been referred for psychological assistance, all, are being closely monitored by the Department Chain of Command. He said also at the positive end of the spectrum he was happy to report that the OCC looked closely at officer activity reports in an attempt to determine which group of Officers have the highest reported activity and low or virtually no complaints. He said he has given to the Chief of Police a list of 55 Officers who in 1986 were in the top 10% of activities. He said those activities include all recorded and required to report activies of bookings, runs, request for assistance, on-view interventions, transportation of prisoners or whatever had to be reported. He said he felt that in terms of commendation he would sincerely recommend that those officers be commended by the Chief and hopefully by the Commission for sustained superior performance. He said to add just one final item and that is the OCC Budget and the 60% Cap. He said the OCC will be moving to new and improved Office space on or about the 20th of February 1987. He said it will bring to this new space some of the problems it had at the old location namely the budgetary limitation imposed by the San Francisco Charter. He said the OCC has gotten some advice from the City Attorney concerning the re-calculation of the cap based on the fact that cost while quartered in this building were indirect and not identified cost. In the new location he said those cost will be clearly identified and should be a part of a re-calculation. He said as stated in the Charter all cost or 60% of all cost is requested by OCC to be re-calculated based on these newly identified cost. He said the final item is that the OCC sustained a total of 37 allegations of misconduct in 1986, and sent them to the Chief of Police in 19 cases. He said he would also like to be able to sustain cases against Officers where it is clearly evident that a pattern has been established and action should be taken by the Chief or the Commission. Thereafter, Director Schober concluded the presentation of his Annual Report. Mr. John Crew, ACLU, then added a few comments such as he agreed with sustaining complaints that show pattern evidence, but was concerned with the annual report where it revealed a low number on sustained cases. He said there were 1200 filed complaints and only 19 sustained. Of those, he said, only 8 resulted in discipline against the Officers. He said he would hope that that will improve. He said he thinks that while the OCC has a number of different functions from Policy Recommendations to Statistical Reports, he said the ACLU believes the reason the voters overwhelmingly created the OCC was to have complete thorough prompt and aggressive investigations of citizens complaints. He said he also did not believe that the OCC's Professional Bulletin was directed at Community Organizations and should change its focus, that the MUNI Ad Campaign which was to give a positive image for the SFPD must be questioned as the OCC should not be spending its time in this direction. He said, overall, the ACLU is concerned that the OCC has drifted far afield from its primary mission which is complaint investigation.

Commissioner Sanchez said afterwards that there are a number of questions that the Commission has on this report and the Commission would like to discuss each in its proper context both about the outreach and dissimination and focus but since the Commission has just received this report this evening another session will be set to go through it.

Chief Jordan said he had a couple of quick comments: One, he said, the MBO goal as it appears in the verbal report is erroneous in that it says here in the handout that the Department did reduce the complaints to 23%. He said it should be 23% instead of 21%. He said some of the complaints, four separate incidents, show that the Chief of Police did not concur so therefore there was no action but in this particular instance he said he was not involved in any of those four complaints as that would be a previous Chief. He said however, he did return two for additional investigation which does appear correctly. He said he would also make one other comment in that he does believe very strongly in the process of this behaviorial pattern that OCC is looking at and even though they neither can sustain or deny an accusation a look can be taken at those patterns and whatever the pattern is will be very important to the Department Heads on a daily re-cap sheet so that they may be sent out to the Sergeants, Lieutenants and Captains to see if there is in fact a continuing pattern for a given officer. He said he also like the idea of isolating the Officers (33) who are causing a tremendous amount of the problems in the Department and also finding those officers who have the high incidencies of activity and low incidents of complaints. He said those are the kinds of things besides the investigations he felt are important to the Department to help in directing which way they want to go with their training, counseling and disciplining.

Commissioner Sanchez said at this point the Commission will adjourn in memory of Congresswoman Sala Burton. The Commission then, after observing one moment of Silence, adjourned in her memory at 6:40 p.m.

Willie E. Frazier

Lieutenant Willie E. Frazier
Secretary
THE POLICE COMMISSION

= Minutes

FEBRUARY 19, 1987 SPECIAL MEETING

The Police Commission of the City and County of San Francisco, met in their chambers, Room 551, Hall of Justice, 850 Bryant Street on Thursday, February 19, 1987 at 1700 hours in a Special Meeting.

1. Attorney-Client Conference.

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

Commissioner Sanchez presiding.

DOCUMENTS DEPT.
APR 23 1987
SAN FRANCISCO PUBLIC LIBRARY

FEBRUARY 19, 1987 REGULAR MEETING

The Police Commission of the City and County of San Francisco, met in their chambers, Room 551, Hall of Justice, 850 Bryant Street on Thursday, February 19, 1987 at 1730 hours in a Regular Meeting.

Commissioner Sanchez presiding.

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

APPROVAL OF MINUTES OF MEETING ON DECEMBER 4, 1986

Approval of Minutes of Meeting on December 4, 1986, the Commissioners having received, approved and returned copies of same.

APPROVAL OF CONSENT CALENDAR

Recommendation of the City Attorney for settlement of the following claims against the City & County of San Francisco:

RESOLUTION NO. 249-87

DEBORAH PHILLIPS

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Deborah Phillips in the sum of $1,508.02 as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: September 8, 1986

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

RESOLUTION NO. 250-87

LAWRENCE JAMES CLARK vs. CITY & COUNTY OF SAN FRANCISCO

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Lawrence James Clark in Small Claims Court No. 456-398 in the amount of $1,444.56 entitled "Lawrence James Clark vs. City & County of San Francisco", as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: November 26, 1985

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

RESOLUTION NO. 251-87

THERESA A. DORAN

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Theresa A. Doran, in the sum of $1,059.39 as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: September 21, 1986

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

RESOLUTION NO. 252-87

ARTEE & GLADYS SINGLETARY vs. CITY & COUNTY OF SAN FRANCISCO

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Artee & Gladys Singletary in the sum of $975.00 in Municipal Court No. 914-003 entitled "Singletary vs. City & County of San Francisco, et al" as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: July 19, 1985

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

RESOLUTION NO. 253-87

TRAVELERS INS. (INS: BACIK, S.-ACCENT ON FLOWERS)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Travelers Ins. (Ins: Bacik, S.-Accent of Flowers) in the sum of $484.11 as a result of damages sustained, be, and the same is hereby approved.

Date of Incident: August 20, 1986

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

RESOLUTION NO. 254-87

WILLIAM FLETCHER

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of William Fletcher in the sum of $220.00 as a result of damages sustained, be, and the same is hereby approved.

Date of Incident: June 29, 1986

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

RESOLUTION NO. 255-87

BURT M. COHEN & STEVEN A. McKAY -

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Burt M. Cohen & Steven A. McKay in the sum of $182.00 as a result of damages sustained, be, and the same is hereby approved.

Date of Incident: July 20-26, 1986

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

RESOLUTION NO. 256-87

ABC TOWING (INS: JOHN CARR)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of ABC Towing (Ins: John Carr) in the sum of $152.75 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: November 10, 1986

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

RESOLUTION NO. 257-87

ELLEN CHEW

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Ellen Chew in the sum of $137.09 as a result of damages sustained, be, and the same is hereby approved.

Date of Incident: July 9, 1986

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

RESOLUTION NO. 258-87

ABC TOWING (INS: JAMES E. CRAWFORD)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of ABC Towing (Ins.: James E. Crawford) in the sum of $99.50 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: January 3, 1987

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

RESOLUTION NO. 259-87

ABC TOWING (INS: FARR, DAN)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of ABC Towing (Ins.: Farr, Dan) in the sum of $99.50 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: December 29, 1986

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

RESOLUTION NO. 260-87

MARJORIE ROSE

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Marjorie Rose in the sum of $99.25 as a result of damages sustained , be, and the same is hereby approved.

Date of Incident: April 9, 1986

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

RESOLUTION NO. 261-87

LORRAINE A. DENEAU (T-86 823)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Lorraine A. Deneau (T-86 823) in the sum of $99.25 as a result of damages sustained, be, and the same is hereby approved.

Date of Incident: October 3, 1986

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

RESOLUTION NO. 262-87

EUGENE A. GILBEAUX

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Eugene A. Gilbeaux in the sum of $88.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: January 10, 1987

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

RESOLUTION NO. 263-87

ABC TOWING (YEE, BEN)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of ABC Towing (Yee, Ben) in the sum of $87.75 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: January 14, 1987

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

RESOLUTION NO. 264-87

ABC TOWING (INS: THUONG Q. LAM)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of ABC Towing (Ins.: Thuong Q. Lam) in the sum of $87.75 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: October 23, 1986

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

RESOLUTION NO. 265-87

ABC TOWING (INS: JAMES RODGEN)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of ABC Towing (Ins.: James Rodgen) in the sum of $87.75 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: December 12, 1986

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

RESOLUTION NO. 266-87

RENE' ACOSTA

RESOLVED, that the recommendation of the claim of City Attorney for settlement of the claim of Rene' Acosta in the sum of $87.75 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: December 17, 1986

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

RESOLUTION NO. 267-87

MELISSA E. HUGHES

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Melissa E. Hughes in the sum of $76.25 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: September 6, 1986

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

RESOLUTION NO. 268-87

PAT TREJO

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Pat Trejo in the sum of $73.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: January 19, 1987

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

RESOLUTION NO. 269-87

GAIL D. HEMENWAY

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Gail D. Hemenway in the sum of $65.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: January 2, 1987

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

RESOLUTION NO. 270-87

JUNE PATROCINIO

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of June Patrocinio in the sum of $65.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: January 7, 1987

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

RESOLUTION NO. 271-87

MICHELLE GUTZMER

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Michelle Gutzmer in the sum of $65.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: January 19, 1987

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

RESOLUTION NO. 272-87

RAYMUNDO ELIAS

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Raymundo Elias in the sum of $65.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: December 24, 1986

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

RESOLUTION NO. 273-87

ANTHONY J. EICHTEN

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Anthony J. Eichten in the sum of $65.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: December 24, 1986

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

RESOLUTION NO. 274-87

CATHERINE CRONIN

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Catherine Cronin in the sum of $65.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident; January 10, 1987

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

RESOLUTION NO. 275-87

JAMES BERNARD JENKINS

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of James Bernard Jenkins in the sum of $65.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: January 13, 1987

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

RESOLUTION NO. 276-87

FRANK NELSON

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Frank Nelson in the sum of $65.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: January 13, 1987

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

RESOLUTION NO. 277-87

STEPHEN M. THOMSON

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Stephen M. Thomson in the sum of $65.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: December 25, 1986

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

RESOLUTION NO. 278-87

JAMES TODD

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of James Todd in the sum of $65.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: January 11-12, 1987

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

RESOLUTION NO. 279-87

ABC TOWING (INS: BEN DAVID TSION)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of ABC Towing (Ins.: Ben David Tsion) in the sum of $65.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: January 7, 1987

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

RESOLUTION NO. 280-87

ABC TOWING (INS: JOHN CLEARY)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of ABC Towing (Ins.: John Cleary) in the sum of $65.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: January 7, 1987

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

RESOLUTION NO. 281-87

CAROL DETWEILER

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Carol Detweiler in the sum of $65.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: January 19, 1987

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

RESOLUTION NO. 282-87

YELLOW CAB CO-OP, INC.

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Yellow Cab Co-op, Inc. in the sum of $65.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: January 20, 1987

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

RESOLUTION NO. 283-87

ERICKA BODO

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Ericka Bodo in the sum of $65.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: January 15, 1987

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

RESOLUTION NO. 284-87

VICTORIA C. KNIGHT

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Victoria C. Knight in the sum of $65.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: January 22, 1987

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

RESOLUTION NO. 285-87

DEBORAH A. DANILOFF

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Deborah A. Daniloff in the sum of $65.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: January 5, 1987

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

RESOLUTION NO. 286-87

LISA JANE WEBB-THOMPSON

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Lisa Jane Webb-Thompson in the sum of $65.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: January 19, 1987

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

RESOLUTION NO. 288-87

HORST KLUMP

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Horst Klump in the sum of $64.75 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: November 21, 1986

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

RESOLUTION NO. 289-87

MICHAEL HENLEY

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Michael Henley in the sum of $53.25 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: November 13, 1986

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

RESOLUTION NO. 290-87

VICTOR YAN

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Victor Yan in the sum of $53.25 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: Unknown
(Hearing date: 12/31/86)

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

RESOLUTION NO. 291-87

PHILIP JOSUE dba CITY CAB

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Philip Josue dba City Cab in the sum of $53.25 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: December 7, 1986

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

RESOLUTION NO. 292-87

ETHEL C. KONOPKA

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Ethel C. Konopka in the sum of $53.25 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: September 6, 1986

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

RESOLUTION NO. 293-87

FRIEDA WEINER

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Frieda Weiner in the sum of $53.25 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: September 8, 1986

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

RESOLUTION NO. 294-87

ABC TOWING (INS: BOB BULLARD)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of ABC Towing (Ins.: Bob Bullard) in the sum of $53.25 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: October 28, 1986

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

RESOLUTION NO. 295-87

KAAREN LEVINS COREA

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Kaaren Levins Corea in the sum of $53.25 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: December 19, 1986

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

RESOLUTION NO. 296-87

JOHN REITER

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of John Reiter in the sum of $53.25 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: November 2, 1986

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

RESOLUTION NO. 297-87

JO McCLURE

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Jo McClure in the sum of $53.25 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: September 14, 1986

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

RESOLUTION NO. 298-87

GRANT KAY

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Grant Kay in the sum of $53.25 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: August 6, 1986

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

RESOLUTION NO. 299-87

BETH KERSHAW

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Beth Kershaw in the sum of $53.25 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: October 27, 1986

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

POLICE COMMISSION REPORT
(a) Public Comments

Commissioner Sanchez said the Commission met this afternoon under the Brown Act pertaining to an Attorney Client Conference and no vote was taken. He said the Commission will continue to meet in Executive Session under the Brown Act at 1930 hours this evening.

POLICE COMMISSION DECISION ON THE OFFICE OF CITIZEN COMPLAINTS (O.C.C.) REPORT OF THE COMPLAINT OF THE AD-HOC COMMITTEE OF CONCERNED CITIZENS REGARDING THE "LARRY LUMPKIN INCIDENT"

Commissioner Sanchez: "This matter has been reviewed pertaining to the Report presented by the OCC to the Commission. The Commission has had an opportunity to review the Report pertaining to a number of issues raised and also has reviewed carefully the methodology used in the investigation itself. At this point the Commission feels that there are many questions raised that have not been answered and there are a number of questions pertaining to the methodology and outcomes which need further clarification. Therefore the Commission will meet in Executive Session this evening to discuss a number of these matters pertaining to the particular Report. At the same time there have been questions raised during this period of time pertaining to the release of said document.

The City Attorney has ruled, which the Commission has accepted, that this matter is a confidential document under the OCC and under the Penal Code and therefore it cannot be released. Let me just state again that the Commission at this point feels there needs to be additional review and study pertaining to the Report which is not complete at this point and time and that will be discussed later in Executive Session. So we are not accepting the Report per se but are asking that there be, again, further study pertaining to a number of areas that were certainly not clear and/or a basis for giving conclusions. Rather than have any discussion on this matter now because it is still on calendar we will continue with the next agenda item."

At this time Mr. Larry Ukali Johnson-Redd approached the microphone and insisted on speaking. He told the Commissioner that the Commissioner had kind of papered over everything and that he (Johnson-Redd) felt that the people who came tonight had not come to see the issue papered over anymore.

Commissioner Sanchez then advised him that the matter had already been called out of order and that the Commission is not accepting the report at this point, that the Commission had numerous questions which the Commission feels must be answered. He said the Commission will proceed at such time when it is ready to rule out the fact that basically the Commission accepts it or rejects it then it will be done in a public forum.

After further discussion the next item was called.

RE-HEARING ON THE PETITION OF VETERANS TAXICAB CO. vs. SPECK TAXICAB CO.

Commissioner Sanchez said this matter has been referred to the City Controller and his staff for independent review for findings to the Police Commission. He said at this time the Commission has not yet received that review so therefore there will be no action taken on the Veterans matter this evening. He then called for item #16.

RESOLUTION NO. 244-87

WHEREAS, the re-hearing on the petition of Veterans Taxicab Company vs. Speck Taxicab Company was called it having been continued from the meeting of February 19, 1987; and

WHEREAS, it was requested by The Police Commission that, because an Audit of the Speck-Veterans Records by the City Controller's Office has not been completed, the date for discussion on the re-hearing on the Petition of Veterans Taxicab Company vs. Speck Taxicab Company be continued to March 5, 1987; therefore be it

RESOLVED, that the date for discussion on the re-hearing on the Petition of Veterans Taxicab Company vs. Speck Taxicab Company is set for Thursday, March 5, 1987 at 5:30 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Davis, Owens, Giraudo, Nelder, Sanchez

REQUEST OF THE CHIEF OF POLICE THAT THE POLICE COMMISSION PRESENT AN APPRECIATION CERTIFICATE TO SERGEANT ERIC CRANSTON

Chief Frank Jordan said this is a matter that is a little unusual but it is a special occasion where he wanted to honor a Police Sergeant from the San Francisco Hospital Police. He said also helping to make some of the presentations is Lieutenant Gregory Corrales who is the Officer in Charge of the San Francisco Hospital Police. He then proceeded to give some background on the Sergeant. He said, Sergeant Eric Cranston has been with Hospital Police for the last 3 years and he is now the day watch Commander. He said in the last 3 months here are some of his accomplishments: "Recovered 15 stolen vehicles in an around the perimeter of the Hospital, 7 arrests of individuals who have been burglarizing hospital property, apprehended two robbery suspects and placed 25 persons into custody for narcotics violations, and made an additional 64 warrants of arrest for a variety of kinds of issues." The Chief said this is a positive role model for other Officers and the Department is very happy and proud to acknowledge the hard work the Sergeant has done in the past 12 months. He said he would also compliment Lieutenant Greg Corrales for singling him out in terms of showing how much can be done with the Hospital Staff. He then presented to Sergeant Cranston a Certificate of Appreciation from the Police Commission and the Police Department. Commissioner Sanchez then said that on behalf of the San Francisco Police Commission and all men and women of the SFPD also he would like to present to the Sergeant an Award of Excellence for supressing crimes at the S.F. General Hospital and doing an overall outstanding job. He then presented him with the Plaque and said this is for a job well done. Lt. Gregory Corrales then read an incident into the record of some of the heroics performed by Sergeant Cranston. He said in recognition of this heroic act the American Police Hall of Fame recently awarded the Sergeant the Silver Star for bravery and he felt this was the appropriate time to present it to the Sergeant.

Sergeant Cranston then thanked the Police Commission, Chief, Hospital Administration and Lieutenant Corrales for honoring him at the Commission meeting tonight.

POLICE COMMISSION CONSIDERATION OF THE REQUEST OF YELLOW CAB COOPERATIVE, INCORPORATED TO BECOME SELF-INSURED

Mr. Buck Delventhal from the City Attorney's Office said that his advice on this matter is the operators of cab companies would have to obtain excess insurance above the limits set by the State Law up to $1 million dollars. He said their Attorney, Mr. Diaz, responded by saying the City Attorney has mis-read the code and is unaware of amendments to the codes and were looking at the wrong code sections. Mr. Delventhal then gave three options by which a cab company can establish its reliability to operate and protect the public: 1) Getting insurance in an amount of 450,000 dollars per incident, 2) getting a bond procedure, 3) applying to the State for self insurance certification and carrying excess insurance up to 1 million dollars.

He said the realities of the insurance world are such that the options are not very attractive to cab companies and it may be necessary to make changes in the code. After answering questions Mr. Delventhal stepped down and Mr. Diaz addressed the Commission.

Mr. Diaz said he was representing Yellow Cab and continued by saying that he was somewhat confused even though he completely agreed with Mr. Delventhal as to the three methods but he was not sure he would agree with his statement of what the Yellow Cab Company's position is. He said their position is that the city, rather than set its own independent test of who is economically strong enough to be a self insurer, relies upon the test established in the California Vehicle Code and on the State Administration for the granting of that self insurer certificate. He said if the Commission had technical questions about policies and rates Mr. Frank Dunne of Alexander and Alexander, the Insurance Consultant for Yellow Cab Co. is here to answer them.

He then proceeded to tell the Commission as to how the statute would work under his theory as opposed to Mr. Buck Delventhal's. He said, basic Insurance, under the provisions of Section 1080.1 of the Municipal Police Code (MPC), for a company with a loss experience of Yellow Cab, should approximate approximately $5,600 dollars per cab. He said Yellow operates 259 cabs. He said if the City Attorney's interpretation is used and you look to the State Vehicle Code on basic Insurance requirements, $15,000 for single injury, $30,000, for multiple injuries, $5,000 for property damage, he said you will find that it is probably not available for taxi cabs. He said you do find that there is a comparable policy, $50,000 combined loss for all three categories. He said this kind of policy would cost, per cab including premium and administrative cost for the Self Insurance Retention (SIR), approximately $6,550 per cab or $950 dollars per cab per year more than buying the basic insurance that persons without the economic strength to qualify as self insurers would be required to buy. He said if the Commission determines that this law should be read as they (Yellow Cab) believe it should that Section 1080.2 is an in lieu provision of the Police Code's own 1080.1 provision that the Supervisors were creating an exception to their rule then he would say that insurance has to be provided to 1 million dollars excess of the $450,000 limit of section 1080.1. He said in that case premium plus administrative cost would come to approximately $3,300 dollars per cab per year almost one half of the cost per cab per year and 60% of the cost of the basic insurance requirement of Section 1080.1. He said there has never been a claim in the 10 year operation of Yellow Cab Cooperative approaching $450,000. He said the purpose of these statutes is to provide reasonable protection against reasonable foreseeable losses. He said what he is proposing for Yellow follows the exact provisions of the Police Code and it is up to $1,000,000.00 and not over. He said it is providing excess insurance over SIR for a single limit of not less than $1,000,000 which means you have to have a million dollars on the face of the policy. He said Yellow Cab plans to buy a policy for a million dollars over the $450,000 which is not required by the code.

After much further discussion, Commissioner Giraudo said he would make a motion to approve the Yellow Cab (SIR) program as it is now and that he would ask that the President of the Commission or someone take on the task of communicating with the President of the Board of Supervisors or whatever the appropriate committee is that the Police Commission has a very real concern about the issue. Commissioner Davis seconded and it was unanimously approved.

RESOLUTION NO. 245-87

REQUEST OF YELLOW CAB CO-OP, INC. FOR PERMISSION TO BECOME SELF-INSURED

WHEREAS, the request of Yellow Cab Cooperative, Inc. of San Francisco for permission to become self-insured was called it having been continued from the meeting of December 18, 1986; and

WHEREAS, two members of the City Attorney's Officer (Buck E. Delventhal and Judith A. Boyajian) were present at the hearing during presentation; and

WHEREAS, after a long period of discussion and presentation by the attorney for Yellow Cab Cooperative, Mr. Steven Diaz, the Commission approved Yellow Cab Cooperative, Inc.'s request to become self-insured.

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

POLICE COMMISSION DISCUSSION REGARDING PETITION OF RESIDENTS, BUSINESS OWNERS, EMPLOYEES, SHOPPERS AND VISITORS REQUESTING REPLACEMENT OF FOOT-BEAT OFFICER IN THE POLK-GEARY AREA

Commissioner Sanchez outlined the series of discussions that has taken place in regards to this matter. A number of interested parties appeared and spoke on the subject.

Ms. Mary Ellen Smith spoke and said that she and others had hoped this matter would have been resolved by now and it is not. She said they have been trying to get adequate foot beat coverage in Precinct 42 since September 1986. She said they have not received any cooperation from Northern Station. She then gave three suggestions: 1. The Commission should take direct charge of the men at Northern Station so that it can more effectively respond to the citizens request. 2. A log book should be placed at each end of the beat with incorruptible businesses and the Officers log themselves in as they pass those areas. 3. The Precinct 42 committee is now to release two members of the group she represents, two members from Northern Station and a member of this Commission a neutral member to determine which police practices are satisfactory and practical as far as police personnel resources are concerned. She said she would re-iterate that their specific criterion is as Captain O'Donnell stated and has not delivered, a beat cop 3 or 4 times per shift in Precinct 42.

Another speaker was Mr. Tom Christman who said he was speaking on behalf of many of the people in the area who live on the street. He said he felt that the police were doing a fine job and that Ms. Smith may not see the officers but the street people certainly see them. Another speaker was Mr. James Addison who said he lived at Leavenworth and Eddy and that he has never seen a beat cop in that area in the evening. He said last night coming out of a grocery store, a half block from where he lives, a man grabbed him and tried to cut him. He said also right across the street from where he lives, there is a drug related hotel and you can always see three or four police cars there but you never see a foot patrolman. He said one square block, from Jones, Eddy to Leavenworth to Ellis is like a battle zone. He said he was a man and he is afraid to go out of his hotel at night. The next speaker was Mr. Edward Ivey, who said the police should vary their patrol efforts and not be predictable. Ms. Jean Kessler, she came forth and said they now have wonderful beat cops in the area. Ms. Betty White, submitted two letters from people who have businesses in the area. The letters were subsequently turned over to Captain O'Donnell, Commanding Officer of the District. Ms. White said there has been an increase in crime and she hasn't seen a beat cop in several weeks.

Other speakers were:

Mrs. Lorraine Weekly, who said she lived at the Crescent Hotel, and that beat Officer saved her life twice. Once when she had a heart attack and another time when two juveniles grabbed her purse.

Ms. Hazell Blackwell, who said she was 81, and that she has lived and worked in the Tenderloin for 25 years. She said she is all over the area and has never been threatened or hit and has never had any trouble and she has seen the officers some of who she has known for many years. She said she has also seen Officers in the area that she didn't know.

Captain Tom O'Donnell of Northern Station, then gave the Commission a brief background on this matter. He said the Officer who had been assigned to beat 42, in July of 1986, was transferred at his request. He said on or about September 1986 the Commission received a letter from Ms. Mary Ellen Smith requesting a hearing regarding crime in the area. He said the Commission held the Hearing and at the Commission's direction a detail was formed for a 60 day period. He said the beat has been fully covered since the time the matter was brought to the Commission and meetings have been held periodically with Ms. Smith and other business people in the area. He said there are reports which we would now give to Lt. Frazier for the Commission's perusal that show the activity that has been conducted since the formation of the task force. He said there were approximately 31 weapons confiscated, 2000 citiations issued, 300 people either arrested or cited for misdemeanor and felonies and those figures do not include the efforts of the parking control and narcotics personnel. He said this concentrated effort has and will continue to fight the crime in the area.

The Police Officers who were assigned to the beat then addressed the Commission. Officer Jerry Williams said that he and his partner Officer Dennis Quinn have been walking the beat since approximately October 1, 1986. He said in their opinion they feel that crime has decreased on the beat. He said they are very visible all over the beat not in just one particular area by Eddy, Ellis, O'Farrell and Geary. He then gave the Commission a break down in just how they may start to patrol the beat on a given day.

Chief Jordan said this issue all came about because of the transfer of Police Officer Joe Arone who had the beat before these officers. He said Officer Arone wanted to get away from working weekends and the only way for him to do that was to transfer to a detail where this would be possible. He said Officer Arone was very personable and did a good job on the beat while in the Tenderloin but he moved at his own request.

Commander William Scheffler who is in charge of the Metropolitan District of the city with Northern Station coming under his command said he had personally walked the beat also and said the area along with McCauley Park had never been as clean as it is now. He said with 350 businesses on this beat the Officers cannot possibly visit every one every day. He said if they did they could do nothing else. He said the officers are out there they are dedicated and they want to serve the people there. He said the people on the beat must give the officers an opportunity to show that they can do the job. He said Ms. Smith was invited to walk with the Officers on a Saturday to show her just how they go about their business. He said at first she agreed and then she said it was not her job to supervise these Officers. He said for whatever reason she will not accept the officers on this beat. He said he has observed these two officers and there are none that are better in the Department. Commissioner Nelder said the purpose of these hearings were to provide services for the people in the area. He said there should be no comparisons with Joe Arone and these Officers because Officer Arone asked to be transferred from the area. He said what everyone has to do now is to go forward from that standpoint and make sure that the streets and businesses and people in their homes are safe.

Thereafter, Ms. Gay Kaplan addressed the Commission. She said she was the Director of Services in the North of Market Senior Center and oversee and serve approximately 200 senior citizens a day in their area. She said she would like to thank the Senior Escort Program for bringing eleven senior citizens here today to testify on behalf of these Officers who are beat cops in the Tenderloin. She said the officers have been visible, they have been responsive and have been able to take testimony form those citizens who have been mugged and are too frightened to speak. She said Officers Quinn and Williams' visibility in the neighborhood has made a significant difference to the senior citizens as to their quality of life in the work place and in walking to and from the task they are charged to complete.

Chief Jordan said that he just wanted to reassure Ms. Mary Ellen Smith that the Department wants to continue to work with her keeping the lines of communication open and want her to speak out when she feels that the services are less than adequate and he said he wanted to continue to meet with her.

Commissioner Nelder said thereafter that he would make a motion that the Commission meet with Ms. Smith and group once again on May 14, 1987, in this public forum to see just what the status is of their area at that time. Commissioner Sanchez then announced that the Commission would meet in closed session for approximately 15 minutes.

The meeting was then reconvened at 9:00 p.m. and the following item was called:

SETTING OF DATE FOR HEARING OF THE DISCIPLINARY CHARGES FILED AGAINST POLICE INSPECTOR THOMAS M. MAZZUCCO, INVESTIGATIONS BUREAU/JUVENILE SECTION

Mr. Jerry Akins, Attorney for the Legal Department requested that this item be removed form the calendar as Inspector Mazzucco is gravely ill. Chief Jordan said that the Inspector has had a stroke and he is in intensive care in the hospital and not doing well at all.

The matter was then removed from the calendar.

RESOLUTION NO. 239-87

WHEREAS, the date for the setting of the hearing on the amended charges against Police Inspector Thomas M. Mazzucco, Investigations Bureau, Juvenile Section, was called it having been scheduled for this date; and

WHEREAS, Inspector Thomas M. Mazzucco was charged with violating the Rules and Procedures as follows:

CHARGE NO. 1

Possession or using controlled substances as defined under the California Uniform Controlled Substances Act without a valid prescription (violation of Rule IV, Subsection C of General Order D-4 of the San Francisco Police Department);

CHARGE NO. 2

Engaging in conduct which subverts the good order, efficiency or discipline of the Department and which brings discredit on the Department (violation of Rule A-9 of General Order D-1 of the San Francisco Police Department);

CHARGE NO. 3

Being under the influence of drug while on duty (violation of Rule IV, subsection D, of General Order D-4 of the San Francisco Police Department);

CHARGE NO. 4

Refusal to submit to a chemical test as ordered by his Commanding Officer (violation of Rule VI, subsection B,1 of General Order D-4 of the San Francisco Police Department);

and

WHEREAS, it was requested by Mr. Jerry Akins, Attorney at Law, representing the San Francisco Police Department, that the matter be handled off calendar; therefore be it

RESOLVED, that charges filed against Police Inspector Thomas M. Mazzucco, Investigations Bureau, Juvenile Section, is continued off calendar by order of the Police Commission.

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

RESOLUTION NO. 240-87

SETTING OF DATE FOR HEARING OF POLICE OFFICER DARRYL S. PERKINS, MISSION STATION

WHEREAS, the date for the setting of the hearing of the disciplinary charges filed against Police Officer Darryl S. Perkins, Mission Station, was called it having been scheduled for this date; and

WHEREAS, it was requested by Mr. Michael Gash, Attorney at Law, representing the San Francisco Police Department, that the date for the hearing of the disciplinary charges filed against Police Officer Darryl S. Perkins be set for April 2, 1987; therefore be it

RESOLVED, that the date for the hearing of disciplinary charges filed against Police Officer Darryl S. Perkins, Mission Station, is set for Thursday, April 2, 1987 at 5:30 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

RESOLUTION NO. 241-87

SETTING OF DATE FOR HEARING OF POLICE OFFICER JOHNNIE FLANNIGAN, TECHNICAL SERVICES BUREAU/COMMUNICATIONS

WHEREAS, the date for the setting of the hearing of the disciplinary charges filed against Police Officer Johnnie Flannigan, Technical Services Bureau, Communications Division, was called it having been scheduled for this date; and

WHEREAS, it was requested by Mr. Jerry Akins, Attorney at Law, representing the San Francisco Police Department, that the date for the hearing of the disciplinary charges filed against Police Officer Johnnie Flannigan be set for March 12, 1987; therefore be it

RESOLVED, that the date for the hearing of disciplinary charges filed against Police Officer Johnnie Flannigan, Technical Services Bureau, Communications Division, is set for Thursday, March 12, 1987 at 5:30 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

RESOLUTION NO. 242-87

SETTING OF DATE FOR HEARING OF POLICE OFFICER MAURICE E. EDWARDS, POTRERO STATION

WHEREAS, the date for the setting of the hearing of the disciplinary charges filed against Police Officer Maurice E. Edwards, Potrero Station, was called it having been scheduled for this date; and

WHEREAS, it was requested by Mr. Michael Gash, Attorney at Law, representing the San Francisco Police Department, that the date for the hearing of the disciplinary charges filed against Police Officer Maurice E. Edwards be set for April 16, 1987; therefore be it

RESOLVED, that the date for the hearing of disciplinary charges filed against Police Officer Maurice E. Edwards, Potrero Station, is set for Thursday, April 16, 1987 at 5:30 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

SETTING OF DATE FOR HEARING THE RECOMMENDATION OF THE CHIEF OF POLICE THAT THE POLICE COMMISSION REVOKE LIMOUSINE PERMIT #L-18 AND MOTORIZED RICKSHAW PERMITS MR-1, MR-2 AND MR-3 HELD BY MR. EDMUND JUNG, AND DENIAL OF HIS SUSPENSION OF OPERATIONS REQUEST

Mr. John Prentice, Attorney for Mr. Jung said he had discussed a new hearing date with Liuetenant Pecinovsky and they concurred with the date of April 23rd for the hearing. Commissioner Giraudo said he would make a motion for it to be heard on that date. It was seconded by Commissioner Nelder and unanimously approved.

RESOLUTION NO. 243-87

WHEREAS, the date for the setting on the hearing of the recommendation of the Chief of Police that the Police Commission revoke Limousine Permit #L-18 and Motorized Rickshaw Permits MR-1, MR-2 and MR-3 held by Mr. Edmund Jung and denial of his suspension of operation request, was called it having been continued from the meeting of February 5, 1987, and

WHEREAS, it was requested by the Police Commission that the date for the hearing on the revocation of permits held by Mr. Edmund Jung and his request for suspension of operation be scheduled for April 23, 1987; therefore be it

RESOLVED, that the date for the hearing on the revocation of permits held by Mr. Edmund Jung and his request for suspension of operation be scheduled for Thursday, April 23, 1987 at 5:30 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

RESOLUTION NO. 244-87

RE-HEARING ON THE PETITION OF VETERANS TAXICAB CO. vs. SPECK TAXICAB CO.

WHEREAS, the re-hearing on the petition of Veterans Taxicab Company vs. Speck Taxicab Company was called it having been continued from the meeting of February 19, 1987; and

WHEREAS, it was requested by The Police Commission that, because an Audit of the Speck-Veterans Records by the City Controller's Office has not been completed, the date for discussion on the re-hearing on the Petition of Veterans Taxicab Company vs. Speck Taxicab Company be continued to March 5, 1987; therefore be it

RESOLVED, that the date for discussion on the re-hearing on the Petition of Veterans Taxicab Company vs. Speck Taxicab Company is set for Thursday, March 5, 1987 at 5:30 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Davis, Owens, Giraudo, Nelder, Sanchez

RECOMMENDATION OF THE CHIEF OF POLICE COMMISSION REVOKE THE TAXICAB MEDALLION (#203) HELD BY MR. JAMES DOBBS

Lt. Gregory Winters of the Permit Section addressed the Commission on this matter and said that this would not call for a full hearing on revocation at this time as the Department is unable to locate Mr. Dobbs. He said he would suggest that an ad be put in a newspaper of general circulation notifying him of the possible revocation of his permit. A Mr. Jim Bolig in the audience then asked to be heard and said that he knew Mr. Dobbs and asked if this matter could be continued to see if he and his friends could locate him. Commissioner Giraudo said he would move for publication of the possible revocation and that the matter be continued for four weeks.

Commissioner Nelder seconded and it was unanimously approved.

RECOMMENDATION OF THE CHIEF OF POLICE THAT THE POLICE COMMISSION REVOKE THE LIMOUSINE PERMIT AND 26 INTER-URBAN BUS PERMITS HELD BY SAN FRANCISCO AIRPORTER, INCORPORATED

Lt. Edward Pecinovsky of the Legal Office said that Mr. Wilson, Attorney for the Legal Office, had been in contact with the Airporter's Attorney Staff and they have requested a hearing date of March 19, 1987. Commissioner Giraudo said he would move that it be continued to that date. It was seconded by Commissioner Nelder and unanimously approved.

RESOLUTION NO. 246-87

WHEREAS, the date for the hearing on the recommendation of the Chief of Police to revoke the Limousine Permit and 26 inter-urban bus permits held by San Francisco Airporter, Inc. was called it having been continued from the Meeting of December 18, 1986, and

WHEREAS, there were no representatives from the San Francisco Airporter, Inc., it was requested by the Police Commission that the date for the hearing on the revocation of Limousine Permit and 26 Inter-Urban Bus Permits held by San Francisco Airporter, Inc. be continued to March 19, 1987; therefore be it

RESOLVED, that the date for the Hearing on the Revocation of Limousine Permit and 26 Inter-Urban Bus Permits held by San Francisco Airporter, Inc. is set for Thursday, March 19, 1987 at 5:30 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Davis, Owens, Giraudo, Nelder, Sanchez

RESOLUTION NO. 247-87

PROPOSED AMENDMENT TO SECTION 63 OF THE SAN FRANCISCO MUNICIPAL CODE (POLICE CODE)

WHEREAS, parking spaces in San Francisco are necessary in order for citizens to carry on business and travel from place to place, and

WHEREAS, Section 63 of the Police Code currently allows for the obstruction of the street or sidewalk in front of a premisses for up to one hour,

WHEREAS, an amendment to Section 63 of the Police Code, deleting the reference to time, will deter the practice of reservation of parking places by merchants or others having charge or control of a particular premises; therefore be it

RESOLVED, that the Police Commission hereby requests the Board of Supervisors to adopt the attached Ordinance which will amend Section 63(a) of the Police Code in order to prevent merchants or others form reserving parking places in front of their premises by obstructing the street in front of their premises.

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

SUPERIOR COURT WRIT OF MANDATE COMMANDING THE POLICE COMMISSION TO RECONSIDER THE ALLEGATIONS AND SUBSEQUENT DISMISSAL OF EDWARD L. WALDORPH BY THE SAN FRANCISCO POLICE DEPARTMENT

The discussion pursuant to a Superior Court Writ of Mandate commanding the Police Commission to reconsider the allegations and subsequent dismissal of Edward L. Waldorph by the San Francisco was called it having been continued from the meeting of February 5, 1987.

Edward L. Waldorph appeared in person and was represented by Mr. John Prentice, Attorney at Law.

Mr. Michael Gash, Attorney at Law, appeared on behalf of the San Francisco Police Department.

An opening statement was made by Mr. Michael Gash for the San Francisco Police Department.

An opening statement was made by Mr. John Prentice on behalf of Mr. Edward Waldorph.

The following exhibit was entered into evidence jointly:

Reporter's Transcript of Waldorph Hearing, December 6, 1984

After reading the transcript, the Commission adopted the following resolution:

RESOLUTION NO. 248-87

DECISION - SUPERIOR COURT WRIT OF MANDATE TO RECONSIDER THE ALLEGATIONS AND SUBSEQUENT DISMISSAL OF EDWARD L. WALDORPH BY THE SAN FRANCISCO POLICE DEPARTMENT

WHEREAS, pursuant to a Peremptory Writ of Mandate issued to the Police Commission by Honorable Raymond D. Williamson, Jr., Judge of the Superior Court, to reconsider the allegations filed against Edward L. Waldorf by the San Francisco Police Department on File No. C34-134 MEG, and

WHEREAS, the Police Commission, on Thursday, February 19, 1987 held a hearing in accordance with said Peremptory Writ of Mandate in that the Police Commission discussed the issue with both counsels, read the transcript of the hearing of December 6, 1984, with all due consideration that this incident was the first occasion in which this officer had ever been brought before the Police Commission, and

WHEREAS, the Police Commission having acknowledged said reporter's transcript of the Waldorph hearing of December 6, 1984, has entered into evidence, recessed and reconvened, issuing the following findings and decision:

RESOLVED, that it is the unanimous decision of the Police Commission, having duly read the reporter's transcript of the Waldorph hearing of December 6, 1984 of the previous decision of the Police Commission in office on December 6, 1984, does hereby affirm and approve said decision of that time and that the current Commission of record also finds and affirms the decision of dismissal.

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

Recess taken during the proceeding:

7:56 p.m. to 8:01 p.m.

The meeting, therafter, was adjourned at 10:05 p.m.

Lieutenant Willie E. Frazier
Secretary
THE POLICE COMMISSION

= Minutes

FEBRUARY 26, 1987 SPECIAL MEETING

The Police Commission of the City and County of San Francisco met in their chambers, Room 551, Hall of Justice, 850 Bryant Street on Thursday, February 26, 1987 at 1700 hours in a Special Meeting.

1. Attorney-Client Conference

Commissioner Sanchez presiding.

AYES: Commissioners Davis, Nelder, Owens, Sanchez
ABSENT: Commissioner Giraudo

FEBRUARY 26, 1987 REGULAR MEETING

The Police Commission of the City and County of San Francisco met in their chambers, Room 551, Hall of Justice, 850 Bryant Street on Thursday, February 26, 1987 at 1730 hours in a Regular Meeting.

Commissioner Sanchez presiding.

AYES: Commissioners Davis, Nelder, Owens, Sanchez
ABSENT: Commissioner Giraudo

APPROVAL OF MINUTES OF MEETING ON DECEMBER 11, 1986

Approval of Minutes of Meeting on December 11, 1986, the Commissioners having received, approved and returned copies of same.

DOCUMENTS DEPT.
MAY 11 1987
SAN FRANCISCO PUBLIC LIBRARY

APPROVAL OF CONSENT CALENDAR

Recommendation of the City Attorney for settlement of the following claims against the City & County of San Francisco:

RESOLUTION NO. 300-87

BRUCE LINDBERG vs. CITY & COUNTY OF SAN FRANCISCO, et al

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Bruce Lindberg in Superior Court No. 845-142 entitled "Bruce Lindberg vs. City and County of San Francisco, et al" in the sum of $43,500.00 as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: August 30, 1984

AYES: Commissioners Davis, Nelder, Owens, Sanchez
ABSENT: Commissioner Giraudo

RESOLUTION NO. 301-87

JAMES DORA vs. CITY & COUNTY OF SAN FRANCISCO

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of James Dora in Superior Court No. 842-009 entitled "James Dora vs. City & County of San Francisco, et al" in the sum of $29,750.00 as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: January 25, 1985

AYES: Commissioners Davis, Nelder, Owens, Sanchez
ABSENT: Commissioner Giraudo

RESOLUTION NO. 302-87

SANCHEZ vs. CITY & COUNTY OF SAN FRANCISCO, et al

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Julie and Lupe Sanchez in Superior Court No. 828-935, entitled "Sanchez vs. City & County of San Francisco, et al" in the sum of $8,250.00 as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: July 31, 1984

AYES: Commissioners Davis, Nelder, Owens, Sanchez
ABSENT: Commissioner Giraudo

RESOLUTION NO. 303-87

DEBRA LEE HOFFERBER vs. CITY & COUNTY OF SAN FRANCISCO

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Debra Lee Hofferber in Municipal Court No. 898-479, entitled "Debra Lee Hofferber vs. City & County of San Francisco, et al" in the sum of $6,000.00 as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: April 10, 1985

AYES: Commissioners Davis, Nelder, Owens, Sanchez
ABSENT: Commissioner Giraudo

RESOLUTION NO. 304-87

DeSOTO CAB COMPANY

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of DeSoto Cab Company in the sum of $4,388.88 as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: July 23, 1986

AYES: Commissioners Davis, Nelder, Owens, Sanchez
ABSENT: Commissioner Giraudo

RESOLUTION NO. 305-87

JOHN A. BLEAKLEY vs. CITY & COUNTY OF SAN FRANCISCO, et al

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of John Bleakley in Superior Court No. 833-942 entitled "John A. Bleakley vs. City & County of San Francisco, et al" in the sum of $3,500.00 as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: April 16, 1984

AYES: Commissioners Davis, Nelder, Owens, Sanchez
ABSENT: Commissioner Giraudo

RESOLUTION NO. 306-87

GODOY vs. CITY & COUNTY OF SAN FRANCISCO, et al

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Godoy in Superior Court No. 813-460 entitled "Jose Godoy vs. City & County of San Francisco, et al" in the sum of $3,000.00 as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: December 14, 1982

AYES: Commissioners Davis, Nelder, Owens, Sanchez
ABSENT: Commissioner Giraudo

RESOLUTION NO. 310-87

DEWAYNE SWEET vs. CITY & COUNTY OF SAN FRANCISCO

RESOLVED, that the recommendation of the City Attorney for settlement of the litigation of Dewayne Sweet in Municipal Court No. 917-810 in the sum of $750.00 entitled "Dewayne Sweet vs. City & County of San Francisco, et al" for damages sustained, be, and the same is hereby approved.

Date of Incident: January 15, 1986

AYES: Commissioners Davis, Nelder, Owens, Sanchez
ABSENT: Commissioner Giraudo

RESOLUTION NO. 311-87

ELEANOR M. BEVINS

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Eleanor M. Bevins in the sum of $203.08 as the result of damages sustained, be, and the same is hereby approved.

Date of Incident November 29, 1986

AYES: Commissioners Davis, Nelder, Owens, Sanchez
ABSENT: Commissioner Giraudo

RESOLUTION NO. 312-87

ABC TOWING (JANNIE MAE SCOTT)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of ABC Towing (Jannie Mae Scott) in the sum of $99.50 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: December 23, 1986

AYES: Commissioners Davis, Nelder, Owens, Sanchez
ABSENT: Commissioner Giraudo

RESOLUTION NO. 313-87

ABC TOWING (LAMAR D. BAKER)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of ABC Towing (Lamar D. Baker) in the sum of $99.50 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: January 6, 1987

AYES: Commissioners Davis, Nelder, Owens, Sanchez
ABSENT: Commissioner Giraudo

RESOLUTION NO. 314-87

ABC TOWING (MELVIN DARWIN)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of ABC Towing (Melvin Darwin) in the sum of $99.50 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: January 26, 1987

AYES: Commissioners Davis, Nelder, Owens, Sanchez
ABSENT: Commissioner Giraudo

RESOLUTION NO. 315-87

ROCKY L. CLARK

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Rocky L. Clark in the sum of $99.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: January 24, 1987

AYES: Commissioners Davis, Nelder, Owens, Sanchez
ABSENT: Commissioner Giraudo

RESOLUTION NO. 316-87

RENE D. PEREZ

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Rene D. Perez in the sum of $88.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: January 9, 1987

AYES: Commissioners Davis, Nelder, Owens, Sanchez
ABSENT: Commissioner Giraudo

RESOLUTION NO. 317-87

KATHLEEN PAGE

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Kathleen Page in the sum of $88.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: December 29, 1986

AYES: Commissioners Davis, Nelder, Owens, Sanchez
ABSENT: Commissioner Giraudo

RESOLUTION NO. 318-87

ABC TOWING (VINCENT JOSEPH)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of ABC Towing (Vincent Joseph) in the sum of $76.50 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: January 21, 1987

AYES: Commissioners Davis, Nelder, Owens, Sanchez
ABSENT: Commissioner Giraudo

RESOLUTION NO. 319-87

ABC TOWING (DEBRA CAEN)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of ABC Towing (Debra Caen) in the sum of $76.50 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: January 29, 1987

AYES: Commissioners Davis, Nelder, Owens, Sanchez
ABSENT: Commissioner Giraudo

RESOLUTION NO. 320-87

JOSEPH or BRUCE BARTFELD

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Joseph or Bruce Bartfeld in the sum of $65.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: January 21, 1987

AYES: Commissioners Davis, Nelder, Owens, Sanche
ABSENT: Commissioner Giraudo

RESOLUTION NO. 321-87

WILLIAM E. BRUMLEY

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of William E. Brumley in the sum of $65.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: January 20, 1987

AYES: Commissioners Davis, Nelder, Owens, Sanchez
ABSENT: Commissioner Giraudo

RESOLUTION NO. 322-87

ABC TOWING (MELISSA MALANEY)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of ABC Towing (Melissa Malaney) in the sum of $65.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: January 27, 1987

AYES: Commissioners Davis, Nelder, Owens, Sanchez
ABSENT: Commissioner Giraudo

RESOLUTION NO. 323-87

JAMES P. MOORE

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of James P. Moore in the sum of $65.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: February 4, 1987

AYES: Commissioners Davis, Nelder, Owens, Sanchez
ABSENT: Commissioner Giraudo

RESOLUTION NO. 324-87

CATHY NICKLAUS

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Cathy Nicklaus in the sum of $65.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: January 12, 1987

AYES: Commissioners Davis, Nelder, Owens, Sanchez
ABSENT: Commissioner Giraudo

RESOLUTION NO. 325-87

JAQUELINE CHAN

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Jaqueline Chan in the sum of $56.70 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: On or about January 23, 1987

AYES: Commissioners Davis, Nelder, Owens, Sanchez
ABSENT: Commissioner Giraudo

RESOLUTION NO. 326-87

ROY POPE

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Roy Pope in the sum of $53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: October 29, 1986

AYES: Commissioners Davis, Nelder, Owens, Sanchez
ABSENT: Commissioner Giraudo

RESOLUTION NO. 327-87

JHAN CARRULL

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Jhan Carrull in the sum of $50.00 as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: October 2, 1986

AYES: Commissioners Davis, Nelder, Owens, Sanchez
ABSENT: Commissioner Giraudo

RESOLUTION NO. 328-87

DOUGLAS C. CARROLL

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Douglas C. Carroll in the sum of $33.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: On or about January 22, 1987

AYES: Commissioners Davis, Nelder, Owens, Sanchez
ABSENT: Commissioner Giraudo

POLICE COMMISSION REPORT

Commissioner Sanchez said the Police Commission met this date under the Brown Act in Executive Session pertaining to an Attorney-Client conference and no vote was taken.

(a) PUBLIC COMMENTS

Mr. Steve Whitmore of Blev and Blev said he was the Attorney for Officer Johnnie Flannigan who is currently on suspension and his hearing is set for early next month. He said on behalf of Officer Flannigan he said he would like to ask that this matter be continued until April 9th. He said the Officer will waive his rights to a speedy hearing and all rights that may flow from that. Mr. Jerry Akins, Attorney for the San Francisco Police Departmet Legal Office said that if the Commission is inclined to grant this request he would suggest a precondition that he, Officer Flannigan, sign a request for a leave of absence pending any period of continous time because of his suspension and the fact that the 90 day rule may not be waiveable. Commissioner Nelder said he would make a motion to continue the matter contingent upon Officer Flannigan signing a request for administrative leave of absence. It was seconded by Commissioner Davis and unanimously approved.

CHIEF'S REPORT TO THE POLICE COMMISSION

Chief Jordan said he had two quick items. One he said deals with the Police KOBAN which will be going on line starting at about 11:30 a.m. tomorrow up in the Chinatown Area, in the 900 Block of Grant Avenue. He said there will be a press conference at 11:30 and Mayor Feinstein will also attend. He said this will launch the KOBAN on a trial 6-month basis to see exactly what kind of feedback the Department will get back from the community.

He said the other matter is in regard to a follow up on the intersection blockage campaign with the traffic bureau. He said the Department has designated 15 strategic intersections around San Francisco that they feel could improve the Traffic Flow if vehicles can be kept from getting into the intersection and causing total gridlock. He said they have launched the program with 14 Parking Control Officers as of yesterday and one squad of motorcycle officers and there will be an additional 7 parking Controllers next week. He said what they will do is to issue citations, which cost 16 dollars each, to people who block the intersections. He said the Department is hoping for voluntary compliance and hopefully after the first few weeks they will be able to see positive results.

RECOMMENDATION OF THE CHIEF OF POLICE THAT THE POLICE COMMISSION CONDUCT A HEARING INTO THE MATTER OF LUXOR CAB CO. INDICATING THAT LUXOR HAS VIOLATED APPENDIX F, SECTION 5, SUBDIVISION (a) OF THE CHARTER OF THE CITY AND COUNTY OF SAN FRANCISCO

Commissioner Sanchez said this matter is to be continued from time to time until at such time the Commission receives its findings from the Controller's Office pertaining to other matters with Veterans Cab in which problems are similar to this one. Commissioner Nelder said he would move that the matter be continued for 30 days. It was seconded by Commissioner Owens and unanimously approved.

RESOLUTION NO. 307-87

WHEREAS, the date for the hearing on the recommendation of the Chief of Police that the Police Commission conduct a hearing in the matter of Luxor Cab Company indicating that Luxor has violated Appendix F, Section 5, Subdivision (a) of the Charter of the City and County of San Francisco, was called it having been continued from the meeting of January 29, 1987, and

WHEREAS, it was requested by the Police Commission that the date for the hearing on Luxor Cab Company be continued to March 26, 1987; therefore be it

RESOLVED, that the date for the hearing in the matter of Luxor Cab Company is set for Thursday, March 26, 1987 at 5:30 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Davis, Nelder, Owens, Sanchez
ABSENT: Commissioner Giraudo

STATUS REPORT ON POLICE OFFICER RICHARD P. WALLETT, TRAFFIC DIVISION

Mr. Jerry Akins said that he had been in touch with Police Officer Richard Wallett who said he is withdrawing his request in that he had a sentence hanging over his head and he said he had made the weight and wanted the Commission to act but on further reading General Order B-1 he is withdrawing his request.

RESOLUTION NO. 308-87

WHEREAS, the date for a status report on Police Officer Richard P. Wallett, Traffic Division, was called it having been set for this date; and

WHEREAS, it was requested by Mr. Jerry Akins, Attorney at Law, representing the San Francisco Police Department, and on behalf of Officer Richard P. Wallett, that the matter be withdrawn; therefore be it

RESOLVED, that the status report on Police Officer Richard P. Wallett, Traffic Division, is hereby withdrawn.

AYES: Commissioners Davis, Nelder, Owens, Sanchez
ABSENT: Commissioner Giraudo

RECOMMENDATIONS OF THE AWARDS COMMITTEE

Commissioner Nelder who was the Chairman said that the meeting was held last Friday and it was one of the largest numbers of cases considered since he had been here. He said they were all outstanding cases and he would move that they be approved and accepted at this time.

Commissioner Davis seconded and it was unanimously approved.

Lt. Frazier said that he had been conferring with Deputy Chief Victor Macia on a proposed date for the presentation of these awards and it is suggested that the date be set for April 15, 1987. Commissioner Nelder said he would so move for that date. Commissioner Davis seconded and it was unanimously approved.

RESOLUTION NO. 329-87

REWARDS GRANTED TO MEMBERS OF THE POLICE DEPARTMENT

WHEREAS, the following named members of the Police Department have been commended for courageous service under the Provisions of General Order O-5, Section 1-A and 1-C of the San Francisco Police Department, as approved by the Awards Committee on Friday, February 20, 1987; and

WHEREAS, Chief of Police Frank M. Jordan has recommended to The Police Commission that the said members be rewarded under the Provisions of Section 8.405 (a) (4) of the Charter of the City and County of San Francisco; therefore be it

RESOLVED, that Police Officer Ana T. Lee, and Police Officer Dennis M. Salido, be, and they are hereby awarded Silver Medals of Valor and granted a reward of $300.00 EACH, as provided for under said Section of the Charter; and be it further

RESOLVED that Police Sergeant John M. Farnham; Police Sergeant Stephen Jones; Police Sergeant Glenn Pennebaker; Police Sergeant Thomas O'Connell; Police Officer Jeffrey Ballard; Police Officer Arthur Borges; Police Officer Harold Butler; Police Officer Kenneth Cantamount; Police Officer Brian Danker; Police Officer Leanna Dawydiak; Police Officer Antonio Flores; Police Officer Louise Glaser; Police Officer Nicole Greely; Police Officer Kevin Jones; Police Officer Raymond Kilroy; Police Officer Rodney C. Lee; Police Officer Joanne Lozenski; Police Officer Kevin M. Martin; Police Officer John S. Paige; Police Officer Kevin Phipps; Police Officer Kenneth T. Sugrue; Police Officer Patricia White; Police Officer Thomas Wong; Police Officer Jeffrey Y. Woo, and Police Officer Wesley Yee, be, and they are hereby awarded Bronze Medals of Valor and granted a reward of $150.00 EACH, as provided for under said Section of the Charter; and be it further

RESOLVED, that Inspector Olav Hindahl; Assistant Inspector Timothy Foley; Assistant Inspector Mary Stasko; Police Officer Vic Aissa; Police Officer Brian A. Boyd; Police Officer Richard W. Lee; Police Officer John Payne, and Police Officer Nick Rubino; be and they are hereby awarded Meritorious Conduct Awards and granted a reward of $150.00 EACH as provided for under said Section of the Charter.

AYES: Commissioners Davis, Owens, Nelder, Sanchez
ABSENT: Commissioner Giraudo

HEARING ON THE DISCIPLINARY CHARGES FILED AGAINST POLICE OFFICER JOSEPH Y. GUMBAN, MISSION STATION

Mr. Fred Butler, Attorney for the Officer said there were a couple of issues he would like to raise before proceeding with the hearing. He said the first is that because this hearing is a possible termination hearing he would request a postponement or continuance based on the fact that there is not a full Commission present. He said they would prefer hearing this matter before a full Commission because of the seriousness of the allegations.

Commissioner Sanchez said that the Commission has adopted a policy to proceed with a quorum of the Commission which is three Commissioners as sometimes it is vertually impossible to have all five members at any given time. Mr. Butler, then said, also, since there is no court reporter present this afternoon he would like to request a continuane until there is a possibility of getting a court reporter to be able to record the proceedings to allow for some kind of a permanent record of the proceedings. Commissioner Nelder said that he would make a motion for a continuance as this matter could not proceed without the court reporter.

Mr. Michael Gash, Attorney for the Department, said before the Commission acts upon that motion he would like to point out one thing that is before the Commission and that is a letter received this afternoon from Mr. Butler stating what he (Gash) believed to be last minute objections which were made only for purposes of delaying these proceedings. He said he would request the Commission reject this document at this time and make no response to it. Commissioner Nelder said he read the matter submitted by Mr. Butler and he certainly agrees with Mr. Gash that most of what he has indicated in his letter is material for defense and the Commission would ordinarily rejct it anyway. Commissioner Davis seconded and it was continued to April 23rd, 1987.

RESOLUTION NO. 309-87

WHEREAS, the date for the hearing of the disciplinary charges filed against Police Officer Joseph Y. Gumban, Mission Station, was called it having been set for this date; and

WHEREAS, it was requested by Mr. Fred D. Butler, Attorney at Law, representing Officer Joseph Y. Gumban, that the date for the hearing of the disciplinary charges filed against Police Officer Joseph Y. Gumban be continued to April 23, 1987; therefore be it

RESOLVED, that the date for the hearing of disciplinary charges filed against Police Officer Joseph Y. Gumban, Mission Station, is set for Thursday, April 23, 1987 at 5:30 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Davis, Nelder, Owens, Sanchez
ABSENT: Commissioner Giraudo

Commissioner Sanchez said at this time the Commission has been notified of the Death of Inspector Tom Mazzucco and he is now requesting that the Commission observe a moment of silence and adjourn in his memory.

The Commission, thereafter, adjourned at 6:18 p.m.

Willie E. Frazier

Lieutenant Willie E. Frazier
Secretary
THE POLICE COMMISSION

MARCH 6, 1987 SPECIAL MEETING

The Police Commission of the City and County of San Francisco met in their chambers, Room 551, Hall of Justice, 850 Bryant Street on Friday, March 6, 1987, at 0930 hours in a Special Meeting.

AYES: Commissioners Nelder, Owens, Sanchez
ABSENT: Commissioners Davis, Giraudo

DOCUMENTS DEPT.

MAY 15 1987

SAN FRANCISCO
PUBLIC LIBRARY

HEARING OF POLICE OFFICER RICHARD WOO, COMMUNICATIONS DIVISION

The hearing of Police Officer Richard Woo, Communications Division, was called it having been continued from the meeting of February 6, 1987.

Police Officer Richard Woo appeared in person and was represented by Mr. Terence T. Hallinan, Attorney at Law.

Mr. Jerry Akins, Attorney at Law, appeared on behalf of the San Francisco Police Department.

The following named witnesses appeared for the Defense, were sworn and testified:

Supervisor Richard Hongisto, City Hall,
San Francisco, CA 94102
Mr. Henry Der, Executive Director,
Chinese for Affirmative Action
17 Walter Lum Place,
San Francisco, CA 94108
Mr. Guy Chandler, 625 Market Street,
San Francisco, CA 94105

The following exhibit was entered into evidence by the Prosecution:

Exhibit #7 Letter dated 5/1/74 from Sheriff Richard Hongisto to Richard Woo Re: Personnel Evaluation Report

After listening to testimony from the above parties, the matter was continued to Wednesday, March 18, 1987 at 0930 a.m. in Room 551, Hall of Justice.

AYES: Commissioners Nelder, Owens, Sanchez
ABSENT: Commissioners Davis, Giraudo

Recess taken during the hearing of Officer Richard Woo:

10:05 a.m. to 10:15 a.m.

(The entire proceedings were taken in shorthand form by Ms. Linda Pransky, CSR.)

The meeting, thereafter, was adjourned at 12:00 noon.

Willie E. Frazier

Lieutenant Willie E. Frazier
Secretary
THE POLICE COMMISSION

[MINUTES]

MARCH 12, 1987 SPECIAL MEETING

The Police Commission of the City and County of San Francisco met in their chambers, Room 551, Hall of Justice, 850 Bryant Street on Thursday, March 12, 1987 at 1700 hours.

1. Attorney-Client Conference
   Speck-Veteran Audit

Commissioner Sanchez presiding.

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

MARCH 12, 1987 REGULAR MEETING

The Police Commission of the City and County of San Francisco met in their chambers, Room 551, Hall of Justice, 850 Bryant Street on Thursday, March 12, 1987 at 1700 hours.

Commissioner Sanchez presiding.

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

APPROVAL OF MINUTES OF MEETING OF JANUARY 8, 1987

Approval of Minutes of Meeting of January 8, 1987, the Commissioners having received, approved and returned copies of same.

DOCUMENTS DEPT.
MAY 28 1987
SAN FRANCISCO
PUBLIC LIBRARY

APPROVAL OF CONSENT CALENDAR

Recommendation of the City Attorney for settlement of the following claims against the City and County of San Francisco:

RESOLUTION NO. 378-87

YELLOW CAB COOPERATIVE

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Yellow Cab Cooperative in the sum of $520.11 as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: September 2, 1986

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

RESOLUTION NO. 379-87

RUBEN MARTIN, JR. vs. CITY & COUNTY OF SAN FRANCISCO

RESOLVED, that judgement made for settlement of litigation of Ruben Martin, Jr. vs. City and County of San Francisco in the sum of $116.75 in Small Claims No. 461-488 as a result of damages sustained, be, and the same is hereby approved.

Date of Incident: July 24, 1986

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

RESOLUTION NO. 380-87

PATRICK JOSEPH CREEDON

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Patrick Joseph Creedon in the sum of $100.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: January 16, 1987

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

RESOLUTION NO. 381-87

KAYE COFINI

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Kaye Cofini in the sum of $100.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: February 7, 1987

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

RESOLUTION NO. 382-87

LEROY PERKINS

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Leroy Perkins in the sum of $100.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: January 16, 1987

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

RESOLUTION NO. 383-87

JACK S. SAHOURIA

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Jack S. Sahouria in the sum of $82.27 as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: October 12, 1986

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

RESOLUTION NO. 384-87

CAROLYN CHARLOT

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Carolyn Charlot in the sum of $76.50 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: January 10, 1987

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

RESOLUTION NO. 385-87

BARBARA J. LEWIS

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Barbara J. Lewis in the sum of $65.51 as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: September 16, 1986

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

RESOLUTION NO. 386-87

BONNIE MILLER

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Bonnie Miller in the sum of $65.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: February 3, 1987

AYES: Commissioners Davis, Giraudo, Nelder, Owen,s Sanchez

RESOLUTION NO. 387-87

THEOBALD R. RUDOLF

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Theobald R. Rudolf in the sum of $65.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: January 21, 1987

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

RESOLUTION NO. 388-87

ZIA S. DAIRKEE

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Zia S. Dairkee in the sum of $65.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: February 12, 1987

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

RESOLUTION NO. 389-87

JOANA BITTING

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Joanna Bitting in the sum of $53.25 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: October 24, 1986

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

RESOLUTION NO. 390-87

BAILEY S. BARNARD

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Bailey S. Barnard in the sum of $53.25 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: December 12, 1986

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

RESOLUTION NO. 391-87

CHRIS HATFIELD

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Chris Hatfield in the sum of $53.25 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: December 21, 1986

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

RESOLUTION NO. 392-87

AUGUSTIN ALEMAN

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Augustin Aleman in the sum of $53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: August 16, 1986

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

POLICE COMMISSION REPORT

Commissioner Sanchez stated that the Police Commission met this afternoon in Closed Session with the City Attorney pertaining to an Attorney-Client Conference and also regarding an Audit Report of Veterans vs. Speck Taxi Cab Company completed by the City Controller and which has not yet been fully reviewed by the City Attorney's Office. He said this matter will be continued to another date in Closed Session under the Brown Act.

No vote was taken at the Closed Session meeting this date.

(a) PUBLIC COMMENTS

No public comments.

CHIEF'S REPORT TO THE POLICE COMMISSION

Chief Frank Jordan said he had two items, one he said, will be to present a Certificate of Appreciation to a Lieutenant, Lt. John Robinson of the Payroll Section, in the San Francisco Police Department who helped with and coordinated the combined campaign which was involved with the United Way and the Environmental Federation of California and the California Combined Health Agencies. He said the Department had a goal of 25% improvement for this year and because of Lt. John Robinson's efforts, the Department wound up with a 700% increase this year. The Chief then made the presentation to the Lieutenant. The Commissioners thanked Lt. Robinson also and said it was a job well done. The Chief then said that the second item was one that was in the papers this afternoon announcing that the San Francisco Police Promotional Exams were thrown out. He said his Staff immediately sent out an Information Bulletin telling them not to panic that at least at this point there is nothing being done in a hurry. The matter, he said, is far from being resolved and the actual results of this decision are yet to be determined. He said the Department realizes that it may impact somewhat on the morale and that if further confuses an unclear picture in terms of promotions in the San Francisco Police Department, temporarily but, he as Chief, was asking the Officers to go out and do a very professional job which they have always been known to do and that it is hoped that the Courts will resolve the problem in the most amicable way possible.

RESOLUTION NO. 372-87

SETTING OF DATE FOR HEARING OF POLICE OFFICER PETER DACRE, NORTHERN STATION

WHEREAS, the date for the setting of the hearing of the disciplinary charges filed against Police Officer Peter Dacre, Northern Station, was called it having been scheduled for this date; and

WHEREAS, it was requested by Mr. Michael Gash, Attorney at Law, representing the San Francisco Police Department, that the date for the hearing of the disciplinary charges filed against Police Officer Peter Dacre be set for May 28, 1987; therefore be it

RESOLVED, that the date for the hearing of disciplinary charges filed against Police Officer Peter Dacre, Northern Station, is set for Thursday, May 28, 1987 at 5:30 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

RESOLUTION NO. 369-87

NOTIFICATION AND FILING OF CHARGES AGAINST POLICE OFFICER MICHAEL J. WALSH, RICHMOND STATION

WHEREAS, charges of violating the Rules and Procedures of the San Francisco Police Department were filed against Police Officer Michael J. Walsh, Richmond Station, as follows:

SPECIFICATION NO. 1

Possession or using controlled substances as defined under the California Uniform Controlled Substances Act without a valid prescription (violation of Rule IV, Subsection C, of General Order D-4 of the San Francisco Police Department);

by Frank M. Jordan, Chief of Police, San Francisco Police Department; therefore be it

RESOLVED, that the date for the setting of the hearing of the disciplinary charges filed against Police Officer Michael J. Walsh, Richmond Station, is scheduled for Thursday, March 19, 1987 at 5:30 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

RESOLUTION NO. 370-87

NOTIFICATION AND FILING OF CHARGES AGAINST POLICE OFFICER DEBORAH E. FRANKS, POTRERO STATION

WHEREAS, charges of violating the Rules and Procedures of the San Francisco Police Department were filed against Police Officer Deborah E. Franks, Potrero Station, as follows:

SPECIFICATION NO. 1

Possession or using controlled substances as defined under the California Uniform Controlled Substances Act without a valid prescription (violation of Rule IV, Subsection C, of General Order D-4 of the San Francisco Police Department);

by Frank M. Jordan, Chief of Police, San Francisco Police Department; therefore be it

RESOLVED, that the date for the setting of the hearing of the disciplinary charges filed against Police Officer Deborah E. Franks, Potrero Station, is scheduled for Thursday, March 19, 1987 at 5:30 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

RESOLUTION NO. 371-87

NOTIFICATION AND FILING OF CHARGES AGAINST POLICE OFFICER STEPHEN D. LYSTER, CRIMINAL INFORMATION DIVISION

WHEREAS, charges of violating the Rules and Procedures of the San Francisco Police Department were filed against Police Officer Stephen D. Lyster, Criminal Information Division, as follows:

SPECIFICATION NO. 1

Possession or using controlled substances as defined under the California Uniform Controlled Substances Act without a valid prescription (violation of Rule IV, Subsection C, of General Order D-4 of the San Francisco Police Department);

by Frank M. Jordan, Chief of Police, San Francisco Police Department; therefore be it

RESOLVED, that the date for the setting of the hearing of the disciplinary charges filed against Police Officer Stephen D. Lyster, Criminal Information Division, is scheduled for Thursday, March 19, 1987 at 5:30 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

RECOMMENDATION OF THE CHIEF THAT THE POLICE COMMISSION REVOKE THE TAXICAB MEDALLION (#203) HELD BY MR. JAMES DODDS

Lieutenant Greg Winters, Permit Section, appearing on this matter said that the Department would ask that this item go over to June 18th as they have located Mr. Dodds who is in a lockup form of a Veterans Administration Alcohol Recovery Program and would not be able to defend his permit until that date. The Lieutenant continued by saying that in the interest of justice the matter should go over until that time. Commissioner Nelder said he would move approval, seconded by Commissioner Davis and unanimously approved.

RESOLUTION NO. 374-87

WHEREAS, the hearing on the recommendation of the Chief of Police that the Police Commission revoke Taxicab Medallion #203 held by James R. Dodds was called, it having been continued from the meeting of February 19, 1987; and

WHEREAS, Mr. James Dodds did not appear before the Commission and was not represented by counsel; and

WHEREAS, it was requested by Lieutenant Gregory Winters, Permit Section, that the date for the hearing on the revocation of Taxicab Medallion #203 held by James R. Dodds be continued to June 18, 1987; therefore be it

RESOLVED, that the date for the hearing on the recommendation of the Chief of Police that the Police Commission revoke Taxicab Medallion #203 held by James R. Dodds is set for Thursday, June 18, 1987 at 5:30 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

RESOLUTION NO. 375-87

HEARING OF POLICE INSPECTOR BERNARD J. McKAY, INVESTIGATIONS BUREAU, BURGLARY DETAIL

WHEREAS, on December 30, 1986, Frank M. Jordan, Chief of Police, made and served charges against Police Inspector Bernard J. McKay, Investigations Bureau, Burglary Detail, as follows:

SPECIFICATION NO. 1

Engaging in conduct which tends to subvert the good order, efficiency or discipline of the Department or which reflects discredit upon the Department (violation of Rule A-9 of General Order D-1 of the San Francisco Police Department.

and

WHEREAS, the Police Commission set Thursday, March 12, 1987, as the date for the hearing on charges filed against Inspector Bernard J. McKay; and

WHEREAS, Chief of Police Frank M. Jordan announced that Police Inspector Bernard J. McKay has retired from the San Francisco Police Department, said retirement effective close of business February 27, 1987; therefore be it

RESOLVED, that the charges of violating the Rules and Procedures of the San Francisco Police Department filed against Police Inspector Bernard J. McKay, Investigations Bureau, Burglary Detail, be, and the same are hereby continued off calendar.

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

Mr. Jerry Akins, Attorney for the Department said the Attorney for Officers Pinosky and Lassus mother is gravely ill and on that basis he is requesting a continuance for one week. He said the Department would also request that the Commission grant this continuance.

Commissioner Nelder said he would move approval and it was seconded and unanimously approved.

RESOLUTION NO. 376-87

HEARING OF POLICE OFFICER WALTER PINOSKY, CENTRAL STATION

WHEREAS, the hearing of Police Officer Walter Pinosky, Central Station, was called it having been continued from the meeting of March 5, 1987; and

WHEREAS, it was requested by Mr. Jerry Akins, Attorney at Law, on behalf of Mr. David Clisham, Attorney at Law, that the hearing be continued to March 19, 1987; therefore be it

RESOLVED, that the date for the hearing of the disciplinary charges filed against Police Officer Walter Pinosky, Central Station, is continued to Thursday, March 19, 1987 at 5:30 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

RESOLUTION NO. 377-87

HEARING OF POLICE OFFICER JAMES P. LASSUS, CENTRAL STATION

WHEREAS, the hearing of Police Officer James P. Lassus, Central Station, was called it having been continued from the meeting of March 5, 1987; and

WHEREAS, it was requested by Mr. Jerry Akins, Attorney at Law, on behalf of Mr. David Clisham, Attorney at Law, that the hearing be continued to March 19, 1987; therefore be it

RESOLVED, that the date for the hearing of the disciplinary charges filed against Police Officer James P. Lassus, Central Station, is continued to Thursday, March 19, 1987 at 5:30 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

POLICE COMMISSION DISCUSSION REGARDING LETTER SUBMITTED BY MR. JOHN CREW, AMERICAN CIVIL LIBERTIES UNION (ACLU), ON OFFICE OF CITIZENS COMPLAINTS (OCC) CONFIDENTIAL FILES PROPOSED TO BE MAINTAINED BY POLICE DEPARTMENT LEGAL OFFICE

Mr. Frank Schober, Director of the OCC, said that at the last meeting Mr. John Crew, Attorney from the ACLU, expressed concerns regarding the proposed filing system when the OCC moves to 555 7th Street. He said the matter was under consideration by the City Attorney and the Commission now has a copy of the City Attorney's Opinion. He said the City Attorney said that the files of OCC, as earlier proposed, to remain in custody of the San Francisco Police Department, was proper and within the OCC's discretion. He said he believed that under the proposed arrangements the Police Department will have, in fact, increased the security of OCC case files in its custody and access to them would be more carefully restricted than when the OCC was in the Hall of Justice.

Lieutenant Ed Pecinovsky of the San Francisco Police Department Legal Division said the files in discussion are more than a year old. He said the Attorneys that he has on staff at the Legal Division are responsible for responding to Court Orders for discovery of Police Officers Personnel Files which include complaints from citizens. He said last year they handled 332 of those discovery orders in criminal cases in addition to all of those that were handled in Civil Matters. He said this means that on an average of once a day they are in the files that are maintained either by the OCC or Management Control in order to respond to Court Orders and for Discovery of those records under what is commonly called a Pitches Motion. He said for that reason the Legal Office has more need to use those files in answer to those request for Discovery than the OCC and therefore for the convenience of the Legal Staff and the OCC Staff there is a separate room in the Legal Division that is secured for that purpose.

Commissioner Sanchez, at this time, said that he would like to state for the record that the Commission received this afternoon, hand carried, two letters from members of the Board of Supervisors, one Honorable Richard Hongisto and the other from the Honorable Jim Gonzales. Both request that the files remain in the sole custody of the OCC.

Mr. John Crew of ACLU said that the ACLU agrees with Mr. Schober that ultimately it is the Commission's decision on how the Office of Citizen Complaints operates. In terms of the City Attorney's Opinion, he said, the ACLU strongly disagrees that the Charter would allow this sort of co-mingling of the OCC with the Department. He said the key point here is that the OCC is a separate and distinct body from the Department, it must be completely independent and the credibility of the OCC is largely dependent on how the public view its independency. He said he could think of no other investigative body that would hand over its files to the very Department that it is investigating. He said the ACLU is willing and would like to work for another solution to this administrative problem as long as the files remain in the custody and control of the OCC.

Commissioner Sanchez, in addressing the situation, said he felt that there will have to some specific recommendation or maybe a Task Force to come in and come in with some Policy Recommendations for this Commission which would address a number of these issues which have been raised pertaining to confidentiality, data, Collection of Data, Storage of Data, and who has access to Data over time.

Lt. Pecinovsky said that what he would suggest, if the Commissioners would like to take sometime to study this matter, is the Legal Office has a locked room where the records may be kept and if the Commission so directs he would be happy to prepare a log for signature of whoever goes into that room, date, time, and length of time of their presence, until the Police Commission resolves the matter.

Mr. John Crew then stated that he didn't mean to be difficult but until this issue is resolved he would prefer that the system remained status quo in that the OCC or the Police Commission retain primary custody and control.

Commissioner Davis said he had a proposal. He said he felt that the guidance of the City and County of San Francisco, legally, is that there should be confidentiality, what, he said, he was exploring was, "what does that really mean with Legal"? He said from what he understands that if there is a room and the Department has inactive files in that room then an easier solution would be that the OCC maintain the controls for getting in and out of that room and if the Legal had an occasional need to go back to look at the old files the frequency may appear to be very infrequent and it wouldn't be too much of an inconvenience to ask OCC if they could go into that room.

Mr. Crew said he couldn't comment on that inconvenience but he felt that that was an excellent proposal and that perhaps the Lieutenant or the Legal Division could gain access to that room through the OCC.

Commissioner Davis said he would suggest that OCC and Legal come back to the Commission with a proposal as to how OCC can in fact control the room and deal with a process in getting the files to Legal when they need them for what ever reason.

Commissioner Davis said that he would make a motion to that effect and that Mr. Crew, Mr. Schober and Lt. Pecinovsky should meet and work it out. The motion was seconded by Commissioner Owens and unanimously approved.

PUBLICE HEARING ON POLICE DEPARTMENT 1987-1988 OPERATING BUDGET

Commissioner Sanchez said that since there were no persons present from the audience who desired to speak at this Public Hearing on this item he just wanted to, on behalf of the Commission, thank the Department for a very comprehensive job pertaining to the preparation of this document and in particularly Lt. John Robinson and his Staff. Commissioner Giraudo said he would move that the Commission accept the Department's Budget as presented tonight.

Lt. Robinson said the proposal before the Commission is the Chief's recommendatoin based on the figures Staff had from the current year. He said they expect that as new information becomes available to Staff this final budget proposal will be altered and with the most current information they have from the Retirement System is that they are going to lower members contribution for retirement from the 86/87 rate of .92 percent of sworn salary to a figure of 88% and that reduction will reflect more than a 4 million dollar adjustment downward in that overall budget figure. He said, however, that will be factored in by the Mayor's Budget Analyst. Commissoner Owens seconded Commissioner Giraudo's motion made earlier and it was unanimously approved.

RESOLUTION NO. 373-87

OPERATING BUDGET FOR FISCAL YEAR 1987-88 -- SAN FRANCISCO POLICE DEPARTMENT

RESOLVED, that the Police Commission hereby approves the operating budget of the San Francisco Police Department for Fiscal Year 1987-88.

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

The meeting, thereafter, was adjourned at 6:51 p.m.

Lieutenant Willie E. Frazier
Secretary
THE POLICE COMMISSION

Minutes

MARCH 19, 1987 SPECIAL MEETING

The Police Commission of the City and County of San Francisco met in their chambers, Room 551, Hall of Justice, 850 Bryant Street on Thursday, March 19, 1987 at 1700 hours in a Special Meeting.

DOCUMENTS DEPT.

JUN 4 1987

SAN FRANCISCO
PUBLIC LIBRARY

1. Attorney-Client Conference.

Commissioner Sanchez presiding.

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

MARCH 19, 1987 REGULAR MEETING

The Police Commission of the City and County of San Francisco met in their chambers, Room 551, Hall of Justice, 850 Bryant Street on Thursday, March 19, 1987 at 1730 hours in a Special Meeting.

Commissioner Sanchez presiding.

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

APPROVAL OF MINUTES OF MEETING OF JANUARY 15, 1987

Approval of Minutes of Meeting of January 15, 1987, the Commissioners having received, approved, and returned copies of same.

APPROVAL OF CONSENT CALENDAR

Recommendation of the City Attorney for settlement of the following claims against the City and County of San Francisco:-

RESOLUTION NO. 403-87

PHILLIP JOSUE dba CITY CAB CO.

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Phillip Josue dba City Cab Company in the sum of $100.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: January 20, 1987

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

RESOLUTION NO. 404-87

GILBERT R. HOUSTON

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Gilbert R. Houston in the sum of $100.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: January 4, 1987

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

RESOLUTION NO. 405-87

JAMES STEHOUWER

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of James Stehouwer in the sum of $99.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: September 3, 1986

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

RESOLUTION NO. 406-87

DON BARTONE

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Don Bartone in the sum of $65.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: January 18, 1987

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

POLICE COMMISSION REPORT

Commissioner Sanchez said the Police Commission met in Executive Session this afternoon in an Attorney Client Conference under the Brown Act pertaining to the Office of Citizen Complaints (OCC) Review and Report of the Larry Lumpkin incident and this matter is still in Executive Session under the Brown Act, however, he said the Commission will calendar this item for the Public Commission Meeting agenda under Police Commission Report for next week when the Commission meets. He said the Commission will meet earlier in Executive Session but the findings of the Actual report will be presented at the regular meeting.

(a) PUBLIC COMMENTS

Mr. Baba Holmes said he was with an organization called Concerned Citizens and the San Francisco Black United Front. He said he has with him an audio tape that is public information regarding a broadcast from Police Communications on the day Larry Lumpkin was shot. He said the OCC stated in its summary on the 29th of January that this tape could not be included as evidence because their audio experts could not identify the voice on the tape. He said this voice on this tape has been identified by the family as being the voice of Larry Lumpkin. He then played the tape.

Commissioner Sanchez then interjected and advised him that this matter is being calendared for next week and that the Commission will vote it out next week and there will be Public discussion at that time which will be appropriate for bringing this issue to light.

CHIEF'S REPORT TO THE POLICE COMMISSION

Chief Jordan said that the Public Affairs of the San Francisco Police Department submitted, for immediate release, a Press Bulletin, after several citizens had informed the San Francisco Police Department of the existence of handbills posted in Public Places around San Francisco today. He said these are bogus handbills and they display official San Francisco City Emblems and they make the statement, "All men in San Francisco over the age of 18 are sex offenders and must register with San Francisco Police Department Sex Crimes Detail." He said the flyer may also bear his name, Chief of Police Frank Jordan. He said the handbills are ficticious but the way they are produced, they appear as though they are sanctioned by the San Francisco Police Department. He said the Press Release request that Citizens disregard the erroneous information contained in these handbills.

REQUEST OF THE CHIEF FOR APPROVAL OF SUPPLEMENTAL APPROPRIATION AMOUNTING TO $137,660 TO FUND RENTAL OF PROPERTY FOR TOW OPERATIONS

Mr. Tony Delucchi with the Real Estate Department said that basically these funds will pay the rental for two facilities that will house the City's Tow Operation. He said the first will be located at Eleventh and Mission Streets to house the rush hour tows and will house approximately 120 to 140 vehicles. He said the second is located at Pier 70 which is at the foot of 22nd Street. He said this location will be the primary respository for those vehicles which the Tow Contractor feels falls into the abandoned category.

Mr. Truman Leong, general manager of ABC Towing, said he had 15 years experience of towing vehicles for San Francisco Police Department. He said there are many reasons to show that the garage at 11th and Mission is not adequate: "1. He said ABC tows over 200 cars on a given day for tow away violations alone. He said this number of cars is more than the garage can handle. He said as a Tow Truck Operator, he feels many vehicles will be damaged in an attempt to manuever them into appropriate places inside the building. Also with 20 to 25 tow trucks during rush hour attempting to place vehicles in this garage will create a major traffic jam on Mission Street. He then demonstrated on the Chalk Board what he perceived as the problem. Mr. Edward Anderson also a manager of ABC Towing acknowledged as factual Mr. Leong's presentation.

Mr. Delucchi in rebuttal submitted to the Commission a diagram of the garage and a map of the area. He said in their observations the ramps are long enough and the easiest way to handle the towing in and around the poles is to place a parabolic mirror at the top of the ramps. He then pointed out on the map the entrances and exits and indicated that the operator would have to look to see if he was going to get himself into a traffic situation.

Lieutenant John Newlin in charge of the tow operations contract and facilities said this area does have some flaws but this is the best real estate they were able to acquire to facilitate the operation. He said it was selected because of its proximity or closeness to the downtown area. He said vehicles that are unclaimed, because of the limited storage, will be transferred on 24-hour bases out to the main storage facility at Pier 70. He said the ground storage area has plenty of space so that during the peak hours tow trucks would not have to confront the ramp situation. He said, besides, all tow trucks would not get to this location simultaneously.

Commissioner Giraudo said he would make a motion that the Commission accept both leases if what Mr. Delucchi is telling the Commission is true and correct, then the Department can get in there and operate the garage and if this is not satisfactory the Department can walk away from it July 1, 1987. Commissioner Nelder said he would second that motion and he would also thank the gentlemen from ABC for coming in and raising these questions because it will be interesting to see if their questions turn out to have some merit to them.

The matter was, thereafter, unanimously approved.

RESOLUTION NO. 394-87

RESOLVED, that the Police Commission hereby approves a request for a supplemental appropriation amounting to $137,660 to fund the lease of two sites to store abandoned vehicles.

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

RESOLUTION NO. 396-87

SETTING OF DATE FOR HEARING OF POLICE OFFICER MICHAEL J. WALSH, RICHMOND STATION

WHEREAS, the date for the setting of the hearing of the disciplinary charges filed against Police Officer Michael J. Walsh, Richmond Station, was called it having been scheduled for this date; and

WHEREAS, it was requested by Mr. Michael Gash, Attorney at Law, representing the San Francisco Police Department, that the date for the hearing of the disciplinary charges filed against Police Officer Michael J. Walsh be set for April 30, 1987; therefore be it

RESOLVED, that the date for the hearing of disciplinary charges filed against Police Officer Michael J. Walsh, Richmond Station, is set for Thursday, April 30, 1987 at 5:30 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

RESOLUTION NO. 397-87

SETTING OF DATE FOR HEARING OF POLICE OFFICER DEBORAH E. FRANKS, POTRERO STAION

WHEREAS, the date for the setting of the hearing of the disciplinary charges filed against Police Officer Deborah E. Franks, Potrero Station, was called it having been scheduled for this date; and

WHEREAS, it was requested by Mr. Jerry Akins, Attorney at Law, representing the San Francisco Police Department, that the date for the hearing of the disciplinary charges filed against Police Officer Deborah E. Franks be set for May 14, 1987; therefore be it

RESOLVED, that the date for the hearing of disciplinary charges filed against Police Officer Deborah E. Franks, Potrero Station, is set for Thursday, May 14, 1987 at 5:30 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

RESOLUTION NO. 400-87

HEARING OF PATROL SPECIAL OFFICER ELBERT TAYLOR, RICHMOND DISTRICT

WHEREAS, the date for the hearing of the disciplinary charges filed against Patrol Special Officer Elbert Taylor, Richmond District, was called it having been set for this date; and

WHEREAS, it was requested by Mr. Jerry Akins, Attorney at Law, representing the San Francisco Police Department, that the date for the hearing of the disciplinary charges filed against Patrol Special Officer Elbert Taylor be continued to June 18, 1987; therefore be it

RESOLVED, that the date for the hearing of disciplinary charges filed against Patrol Special Officer Elbert Taylor, Richmond District, is set for Thursday, June 18, 1987 at 5:30 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

REQUEST OF THE CHIEF OF POLICE THAT THE POLICE DEPARTMENT ACCEPT THE DONATION OF A VAN FROM THE SAN FRANCISCO POLICE OFFICER'S ASSOCIATION FOR USE BY THE DEPARTMENT'S WILDERNESS ADVENTURE YOUTH PROGRAM OF THE COMMUNITY SERVICES DIVISION

Captain Michael Hebel of the Community Services Division addressed the Commision on this item along with Officer Luis Duran and Walter Scott. He said what the proposal is all about is that the Community Services Division, without the Van, must rent a Van for 9 months at $700.00 a month or $6,300.00 a year. He said they would be able to recoup those cost if they are allowed to accept this vehicle within a 3 year period as the life of the Van is approximately 6 to 7 years. Commissioner Nelder said he would make a motion to accept this Van. It was seconded by Commissioner Giraudo. Commissioner Sanchez said that before the final vote is taken, he would like, maybe within the next month, to Calendar the Wilderness Adventure Program for a full Commission Review and discussion. He said in this way everyone could once again become aware of the significance of this program, and how many youths have been reached in a variety of the secondary and middle schools throughout the city including a number of Boys and Girls Clubs. He said he felt it was one of the most significant programs ever to impact on a city such as San Francisco. Therefore, he said, it deserves a special agenda item to be shared with the Commission.

The Commision then took the vote on the acceptance of the Van, and it was unanimously approved.

RESOLUTION NO. 395-87

REQUEST FOR APPROVAL TO ACCEPT A DONATION OF A VAN FROM THE POLICE OFFICERS' ASSOCIATION FOR USE BY THE SAN FRANCISCO POLICE DEPARTMENT'S WILDERNESS ADVENTURE YOUTH PROGRAM OF THE COMMUNITY SERVICES DIVISION

WHEREAS, the San Francisco Police Officers' Association has donated the funds necessary ($18,683.26) to purchase a new fifteen (15) passenger van for use by the San Francisco Police Department Wilderness Adventure Youth Program of the Community Services Division. The van is a 1987 Ford E-350 Super Club Wagon, eight cylinder, motor number 1FBJ531L9HHB24004, silver metallic in color; and

WHEREAS, the San Francisco Police Department has need of such a vehicle for use by the Wilderness Adventure Youth Program of the Community Services Division; and

WHEREAS, Section 10.16 of the San Francisco Administrative Code authorizes the head of a Department to accept gifts up to a value of $5,000.00; and

WHEREAS, in order to accept a gift of a value greater than $5,000, authorization must be received from the Board of Supervisors; therefore be it

RESOLVED, that the Police Commission hereby requests the Board of Supervisors to authorize the Chief of Police to accept the gift, valued at more than $5,000, on behalf of the San Francisco Police Department, for use by the Wilderness Adventure Youth Program of the Community Services Division.

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

RECOMMENDATION OF THE CHIEF OF POLICE THAT THE POLICE COMMISSION REVOKE THE LIMOUSINE PERMIT AND 26 INTER-URBAN BUS PERMITS HELD BY SAN FRANCISCO AIRPORTER, INCORPORATED

Mr. Lawrence Wilson of the San Francisco Police Department Legal Office said the Department examined this matter and findings of fact were made. He said he had re-examined the matter and is satisfied that there has been no violation of Proposition K as a result of this Cooperation's operations. He said he was concerned about the Cooperation's failure to comply with the Commission's Subpoena in that they failed to supply the necessary documentations to support statements they made. He said he met with Mr. Leonoudakis who is present this evening and he said he is here to recommend to the Commission a settlement of this matter with a finding that 8% of the stock of the Cooperation did transfer. This means he said that if 2% or more transfered without approval of the Commission, the Permits would be voided under Proposition K. He said he would recommend the Commission approve the transfer with the stipulation that Mr. Leonoudakis provide the Commission evidence of that transfer. Mr. Wilson then went into a long explanation as to what occurred. He said he would like the Commission this evening to make a finding, by Resolution, that 8% of the stock did change hands which means that there can be no claims by the Cooperation in the future that this was not a transfer under the meaning of Proposition K.

Mr. Leonoudakis was then called upon to give his explanation. He said his Cooperation, for the record, had been working on this matter for the past 15 or 16 months. He said he has answered many questions and he said, he thought he had answered the Commission's Subpoena, had written several letters and then had two or three meetings with Lt. Winters. He said the last meeting he and Lt. Winters had he brought his Vice President with him and reviewed everything Lt. Winters had any question about. He said they provided him with all of the information and then asked if it was sufficient to settle the matter once and for all. He said their operation is a small family affair, their sister passed away, she had 8% of the stock and she left it to his son and his nephew and here are the documents. Lt. Winters then said, according to Mr. Leonoudakis, if you don't hear from me then the matter is resolved. Mr. Leonoudakis said he never heard from him until about 10 weeks ago when two officers appeared at the Airporter and said they wanted to investigate the records of the cooperation. He said they gave them everything they had on site and then went to his office at another location and gave them other material there. He said he wanted to bring this matter to a conclusion tonight and he feels the recommendation made by Mr. Wilson is a fair one.

After further discussion Commissioner Giraudo made a motion to accept the recommendation of Mr. Wilson. Commissioner Owens seconded and it was unanimously approved.

RESOLUTION NO. 399-87

RECOMMENDATION OF THE CHIEF THAT THE POLICE COMMISSION REVOKE THE LIMOUSINE PERMIT AND 26 INTER-URBAN BUS PERMITS HELD BY SAN FRANCISCO AIRPORTERS, INC.

WHEREAS, the date for the hearing on the recommendation of the Chief of Police to revoke the Limousine Permit and 26 Inter-Urban bus permits held by San Francisco Airporters, Inc. was called it having been continued from the meeting of February 19, 1987, and

WHEREAS, at the Police Commission meeting of Thursday, March 19, 1987, Mr. Lawrence Wilson, Legal Officer of the San Francisco Police Department, recommended that the Citation to Revoke the limousine and sightseeing bus permits held by SFO Airporter, Inc. be dismissed with the below-stated findings:

(a) Mary C. Leonoudakis held 800 shares of stock of SFO Airporter, Inc., constituting 8% of the total shares of SFO Airporter, Inc.

(b) Upon the death of Mary C. Leonoudakis, her 800 shares were given in equal shares by an instrument referred to as a "Living Trust" to her nephews Jeffrey Leonoudakis and Timothy Leonoudakis.

(c) This gift was a "sale or other transfer" of 8% of the stock ownership of the permitted corporation, SFO Airporters, Inc., as described in Section 5(a) of Proposition K.

(d) In that this sale or other transfer has not been approved by the Police Commission, the transfer of the stock of Mary C. Leonoudakis will be included in any calculation of cumulative transfers of stock.

and

WHEREAS, the Police Department at this time finds no transfer of 10% or more of the assets of the corporation but is not barred by the dismissal of the Citation to Revoke from raising issues or from re-examining findings made under this citation during a subsequent inquiry;

WHEREAS, the Police Commission has been informed that the Department has received a copy of corporate records, i.e. a copy of stock certificates, recording the transfer of 8% of the corporate stock from Mary C. Leonoudakis (decedent) in equal shares to Jeffrey Leonoudakis and Timothy Leonoudakis; therefore be it

RESOLVED, that the Police Commission does hereby accept and approve the recommendation of Legal Officer Lawrence Wilson to dismiss the Citation to Revoke the Limousine Permit and 26 Inter-Urban bus permits held by San Francisco Airporter, Inc..

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

HEARING OF POLICE OFFICER WALTER PINOSKY, CENTRAL STATION (CONTINUED FROM MEETING OF MARCH 5, 1987)

The hearing of Police Officer Walter Pinosky, Central Station, was called it having been continued from the meeting of March 5, 1987. Police Officer Walter Pinosky was charged with violating the Rules and Procedures as follows:

CHARGE NO. 1

Failing to treat members of the public with courtesy and respect and eschew harsh, profane, or uncivil language (violation of Rule A-14 of General Order D-1 of the San Francisco Police Department);

CHARGE NO. 2

Engaging in conduct which brings discredit on the Department (violation of Rule A-9 of General Order D-1 of the San Francisco Police Department).

in a properly verified complaint by Frank M. Jordan, Chief of Police of the San Francisco Police Department.

Police Officer Walter Pinosky appeared in person and was represented by Mr. David Clisham, Attorney at Law.

Mr. Jerry Akins, Attorney at Law, appeared on behalf of the San Francisco Police Department.

The following-named witness was called by the Prosecution, was sworn and testified:

Mr. Ronald C. DeVoe, Probation Officer,
9889 City Farm Road,
Riverside, CA 92506

The following-named witnesses were called by the Defense, were sworn and testified:

Mrs. Anita Wu, 712 Vallejo St.,
San Francisco, CA 94133
Mr. Steve Mayeda, 33 Powell St.,
San Francisco, CA 94102
Mr. Stanley Chong, 55 Cyril Magnin St.,
San Francisco, CA 94102
Sergeant Alan Perini, Company A
Officer James P. Lassus, Company A
Officer Walter L. Pinosky, Company A
Officer Tom Yuen, Company A
Officer Andrew Blackwell, Company A
Officer Steve Quon, Company A
Officer Benny Fong, Company A
Officer Gary Calgaro, Company A

(1) At all times herein mentioned, James P. Lassus, Star Number 2114, (hereinafter referred to as "the accused") was and is a police officer employed by the San Francisco Police Department and assigned to the Central District;

(2) As a police officer the accused was and is responsible for knowing and obeying the rules, orders and procedures of the San Francisco Police Department;

(3) On or about April 26, 1986, at 1430 hours, on Stockton Street between Broadway and Vallejo Streets, the accused and Officer Walter Pinosky were on patrol in a marked police car and confronted a citizen in a parked automobile stopped at said place and time;

(4) The accused issued a citation to the citizen for littering, and in the course of issuing the citation, the accused used racial slurs and made derogatory remarks regarding the Chinese in general and the citizen in particular;

(5) The accused by using harsh, profane and uncivil language and failing to treat the onlookers referred to above with courtesy and respect, has engaged in conduct which constitutes a violation of Rule A-14 of General Order D-1 of the San Francisco Police Department, which states:

"Members shall, in the performance of their duties or while acting in the capacity of a peace officer off-duty, treat all members of the public with courtesy and respect and eschew harsh, profane, or uncivil language. When requested, members shall promptly and politely provide their name, star number, and assignment."

CHARGE NO. 2

Engaging in conduct which brings discredit on the Department (violation of Rule A-9 of General Order D-1 of the San Francisco Police Department).

(6) Paragraphs (1) through (4) of Charge No. 1 herein above are realleged and incorporated herein by reference as though set forth in full;

(7) In the course of issuing the citation, the accused ordered the citizen, who had exited his vehicle to talk to the accused, to get back in his car and pushed the citizen up against the vehicle with unnecessary force;

(8) The accused by virtue of the above alleged conduct, in using harsh and profane language, as well as racial slurs, and in using unnecessary force in the course of issuing a citation for littering, has engaged in conduct which brings discredit on the department, a violation of Rule A-9 of General Order D-1 of the San Francisco Police Department, which states:

The following exhibits were entered into evidence by the Defense:

Exhibit A — Letter to Captain L. Gray from R. West, Ronald & Peggy DeVoe and Jill Bertoglio dated April 26, 1986

Exhibit B — Petition

The following exhibit was entered into evidence by the Prosecution:

Exhibit #4 — Two Audio Tapes made by O.C.C. questioning Officers Pinosky and Lassus re this incident

Closing statements were then made by both the Prosecuting and Defense Attorneys.

The Commission took the matter under submission, recessed and returned, and the following resolution was adopted:

RESOLUTION NO. 401-87

DECISION - HEARING OF POLICE OFFICER WALTER PINOSKY, CENTRAL STATION

WHEREAS, on December 19, 1986, Frank M. Jordan, Chief of Police, made and served charges against Police Officer Walter Pinosky as follows:

CHARGE NO. 1

Failing to treat members of the public with courtesy and respect and eschew harsh, profane, or uncivil language (violation of Rule A-14 of General Order D-1 of the San Francisco Police Department);

(1) At all times herein mentioned, Walter Pinosky, Star Number 951, (hereinafter referred to as "the accused") was and is a police officer employed by the San Francisco Police Department and assigned to the Central District;

(2) As a police officer the accused was and is responsible for knowing and obeying the rules, orders and procedures of the San Francisco Police Department;

(3) On or about April 26, 1986, at 1430 hours, on Stockton Street between Broadway and Vallejo Streets, the accused and Officer James P. Lassus were on patrol in a marked police car and confronted a citizen in a parked automobile stopped at said place and time;

(4) While Officer Lassus issued a citation to the citizen for littering, the accused exited the patrol vehicle and confronted the pedestrians on the sidewalk who were watching. The accused used racial slurs and made derogatory remarks regarding Chinese people in general and the Asian persons on the sidewalk in particular;

(5) The accused by using harsh, profane and uncivil language and failing to treat the onlookers referred to above with courtesy and respect, has engaged in conduct which constitutes a violation of Rule A-14 of General Order D-1 of the San Francisco Police Department, which states:

"Members shall, in the performance of their duties or while acting in the capacity of a peace officer off-duty, treat all members of the public with courtesy and respect and eschew harsh, profane, or uncivil language. When requested, members shall promptly and politely provide their name, star number, and assignment."

CHARGE NO. 2

Engaging in conduct which brings discredit on the Department (violation of Rule A-9 of General Order D-1 of the San Francisco Police Department).

(6) Paragraphs (1) through (4) of Charge No. 1 herein above are realleged and incorporated herein by reference as though set forth in full;

(7) In the course of the accused's confronting the onlookers referred to above the accused exhibited his baton in a threatening manner and verbally threatened the onlookers without provocation from them:

(8) The accused by virtue of the herein alleged actions, in using harsh and profane language to the onlookers and threatening them, has engaged in conduct which brings discredit on the Department, a violation of Rule A-9 of General Order D-1 of the San Francisco Police Department, which states:

"Any breach of the peace, neglect of duty, misconduct or any conduct on the part of any member either within or without the state which tends to subvert the good order, efficiency or discipline of the department or which reflects discredit upon the department or any member thereof or that is prejudicial to the efficiency and discipline of the department, though such offenses are not specifically defined or laid down in these Rules and Procedures, shall be considered unofficer-like conduct triable and punishable by the Board."

and

WHEREAS, a hearing on said charges was held before the Police Commission pursuant to Section 8.343 of the Charter of the City and County of San Francisco on Thursday, March 5, 1987 and Thursday, March 19, 1987, and on Thursday, March 19, 1987, the matter was submitted to the Police Commission for decision; and

WHEREAS, the Police Commission finds that the said charges made and filed against Police Officer Walter Pinosky, Central Station, as contained in Charge No. 1, violation of Rule A-14 of General Order D-1 of the San Francisco Police Department, and Charge No. 2, violation of Rule A-9 of General Order D-1 of the San Francisco Police Department, are not sustained by the evidence presented at the hearings; therefore be it

RESOLVED, that it is the order of the Police Commission that Police Officer Walter Pinosky has not violated Charge No. 1, Rule A-14 of General Order D-1, and Charge No. 2, Rule A-9 of General Order D-1 of the San Francisco Police Department; and be it further

RESOLVED, that it is the order of the Police Commission that said charges contained in Charge No. 1, violation of Rule A-14 of General Order D-1 of the San Francisco Police Department, and Charge No. 2, violation of Rule A-9 of General Order D-1 of the San Francisco Police Department, be, and the same are hereby dismissed.

AYES: Commissioners Davis, Giraudo, Nelder, Owens
ABSENT: Commissioner Sanchez

Recesses taken during the hearing of Officer Walter Pinosky:

8:38 p.m. to 8:44 p.m.
10:25 p.m. to 10:37 p.m.

(The entire proceedings were taken in shorthand form by Ms. Linda Pransky, CSR.)

HEARING OF POLICE OFFICER JAMES P. LASSUS, CENTRAL STATION (CONTINUED FROM MEETING OF MARCH 5, 1987)

The hearing of Police Officer James P. Lassus, Central Station, was called it having been continued from the meeting of March 5, 1987. Police Officer James P. Lassus was charged with violating the Rules and Procedures as follows:

CHARGE NO. 1

Failing to treat members of the public with courtesy and respect and eschew harsh, profane, or uncivil language (violation of Rule A-14 of General Order D-1 of the San Francisco Police Department);

CHARGE NO. 2

Engaging in conduct which brings discredit on the Department (violation of Rule A-9 of General Order D-1 of the San Francisco Police Department).

in a properly verified complaint by Frank M. Jordan, Chief of Police of the San Francisco Police Department.

Police Officer James P. Lassus appeared in person and was represented by Mr. David Clisham, Attorney at Law.

Mr. Jerry Akins, Attorney at Law, appeared on behalf of the San Francisco Police Department.

The following-named witness was called by the Prosecution, was sworn and testified:

Mr. Ronald C. DeVoe, Probation Officer,
9889 City Farm Road,
Riverside, CA 92506

The following-named witnesses were called by the Defense, were sworn and testified:

Mrs. Anita Wu, 712 Vallejo St.,
San Francisco, CA 94133
Mr. Steve Mayeda, 33 Powell St.,
San Francisco, CA 94102
Mr. Stanley Chong, 55 Cyril Magnin St.,
San Francisco, CA 94102
Sergeant Alan Perini, Company A
Officer James P. Lassus, Company A
Officer Walter L. Pinosky, Company A
Officer Tom Yuen, Company A
Officer Andrew Blackwell, Company A
Officer Steve Quon, Company A
Officer Benny Fong, Company A
Officer Gary Calgaro, Company A

The following exhibits were entered into evidence by the Defense:

Exhibit A — Letter to Captain L. Gray from R. West, Ronald & Peggy DeVoe and Jill Bertoglio dated April 26, 1986

Exhibit B — Petition

The following exhibit was entered into evidence by the Prosecution:

Exhibit #4 — Two Audio Tapes made by O.C.C. questioning Officers Pinosky and Lassus re this incident

Closing statements were then made by both the Prosecuting and Defense Attorneys.

The Commission took the matter under submission, recessed and returned, and the following resolution was adopted:

RESOLUTION NO. 402-87

DECISION - HEARING OF POLICE OFFICER JAMES P. LASSUS, CENTRAL STATION

WHEREAS, on December 19, 1986, Frank M. Jordan, Chief of Police, made and served charges against Police Officer James P. Lassus as follows:

CHARGE NO. 1

Failing to treat members of the public with courtesy and respect and eschew harsh, profane, or uncivil language (violation of Rule A-14 of General Order D-1 of the San Francisco Police Department);

"Any breach of the peace, neglect of duty, misconduct or any conduct on the part of any member either within or without the state which tends to subvert the good order, efficiency or discipline of the department or which reflects discredit upon the department or any member thereof or that is prejudicial to the efficiency and discipline of the department, though such offenses are not specifically defined or laid down in these Rules and Procedures, shall be considered unofficer-like conduct triable and punishable by the Board."

and

WHEREAS, a hearing on said charges was held before the Police Commission pursuant to Section 8.343 of the Charter of the City and County of San Francisco on Thursday, March 5, 1987 and Thursday, March 19, 1987, and on Thursday, March 19, 1987, the matter was submitted to the Police Commission for decision; and

WHEREAS, the Police Commission finds that the said charges made and filed against Police Officer James P. Lassus, Central Station, as contained in Charge No. 1, violation of Rule A-14 of General Order D-1 of the San Francisco Police Department, and Charge No. 2, violation of Rule A-9 of General Order D-1 of the San Francisco Police Department, are not sustained by the evidence presented at the hearings; therefore be it

RESOLVED, that it is the order of the Police Commission that Police Officer James P. Lassus has not violated Charge No. 1, Rule A-14 of General Order D-1, and Charge No. 2, Rule A-9 of General Order D-1 of the San Francisco Police Department; and be it further

RESOLVED, that it is the order of the Police Commission that said charges contained in Charge No. 1, violation of Rule A-14 of General Order D-1 of the San Francisco Police Department, and Charge No. 2, violation of Rule A-9 of General Order D-1 of the San Francisco Police Department, be, and the same are hereby dismissed.

AYES: Commissioners Davis, Giraudo, Nelder, Owens
ABSENT: Commissioner Sanchez

Recesses taken during the hearing of Officer James P. Lassus:

8:38 p.m. to 8:44 p.m.
10:25 p.m. to 10:37 p.m.

(The entire proceedings were taken in shorthand form by Ms. Linda Pransky, CSR.)

The meeting, thereafter, was adjourned at 10:45 p.m.

Lieutenant Willie E. Frazier
Secretary
THE POLICE COMMISSION

Minutes

MARCH 26, 1987 SPECIAL MEETING

The Police Commission of the City and County of San Francisco met in their chambers, Room 551, Hall of Justice, 850 Bryant Street on Thursday, March 26, 1987 at 1700 hours in a Special Meeting.

1. Attorney-Client Conference

DOCUMENTS DEPT.
JUN 18 1987
SAN FRANCISCO PUBLIC LIBRARY

Commissioner Sanchez presiding.

AYES: Commissioners Davis, Giraudo, Nelder, Owen, Sanchez

MARCH 26, 1987 REGULAR MEETING

The Police Commission of the City and County of San Francisco met in their chambers, Room 551, Hall of Justice, 850 Bryant Street on Thursday, March 26, 1987 at 1730 hours in a Regular Meeting.

Commissioner Sanchez presiding.

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

APPROVAL OF MINUTES OF MEETING OF JANUARY 22, 1987

Approval of Minutes of Meeting of January 22, 1987, the Commissioners having received, approved, and returned copies of same.

APPROVAL OF CONSENT CALENDAR

Recommendation of the City Attorney for settlement of the following claims against the City and County of San Francisco:

RESOLUTION NO. 412-87

AI LU

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Ai Lu in the sum of $100.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: October 31, 1986

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

RESOLUTION NO. 413-87

ABC TOWING (CHARLES OSTRO)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of ABC Towing (Charles Ostro) in the sum of $76.25 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: October 19, 1986

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

RESOLUTION NO. 414-87

RUPERT SUTTON

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Rupert Sutton in the sum of $76.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: February 16, 1987

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

RESOLUTION NO. 415-87

LISA SUNDELSON

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Lisa Sundelson in the sum of $65.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: February 18, 1987

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

RESOLUTION NO. 416-87

BARBARA A. BLITHE

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Barbara A. Blithe in the sum of $65.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: February 11, 1987

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

RESOLUTION NO. 417-87

CHRIS KRAMAR

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Chris Kramar in the sum of $65.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: February 22, 1987

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

RESOLUTION NO. 418-87

FERNANDO QUINTERO

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Fernando Quintero in the sum of $65.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: January 11, 1987

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

RESOLUTION NO. 419-87

HEATHER HAINES

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Heather Haines in the sum of $64.75 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: November 5, 1987
(hearing date)

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

RESOLUTION NO. 420-87

WILLIAM E. SPEARS

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of William E. Spears in the sum of $64.75 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: October 20, 1986

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

RESOLUTION NO. 421-87

MARK TANGARD

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Mark Tangard in the sum of $53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: December 21, 1986

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

POLICE COMMISSION REPORT

Commissioner Sanchez said the Police Commission met in Executive Session with the City Attorneys regarding the Larry Lumpkin shooting incident and the Office of Citizen Complaints Report and no vote was taken. There will be, in this regard, on tonight's Calendar, Public Discussion as this will be the first item called and a vote will thereafter be taken.

(a) PUBLIC COMMENTS

Ms. Marian Williams addressed the Commission and said she was co-Chair of the Black United Front. She said she was just curious as to why a vote was not taken at this time? Commissioner Sanchez explained that the vote was not taken in Executive Session as the matter in question is on the Commission Agenda for action and a vote will be taken after it has been heard.

CHIEF'S REPORT TO THE POLICE COMMISSION

Acting Chief John Jordan said he respectfully wished to report that there were no significant matters from the Department to report to The Commission this evening.

STATUS REPORT ON THE OFFICE OF CITIZENS COMPLAINTS INVESTIGATION OF THE COMPLAINT OF THE AD-HOC COMMITTEE OF CONCERNED CITIZENS REGARDING THE "LARRY LUMPKIN INCIDENT"

Commissioner Sanchez said at this time Public Discussion is invited on this subject. Mr. John Crew, Attorney for the American Civil Liberties Union (ACLU) said he and his organization is here tonight for one narrow and specific reason and because of its very serious concerns about the Office of Citizen Complaints (OCC) process generally and how it has been handled in this particular case. He said the ACLU does not represent the Lumpkin Family in the litigation but it is concerned about the OCC's handling of this matter. He then related the history of how this investigation started and read some material from the Police Commission's Meeting minutes of September 11, 1986. He said what has come out so far about this investigation with the many contradictions on this case, and the many questions that are so far unanswered, the ACLU is disappointed that Mr. Frank Schober has not taken this opportunity to answer the questions that are lingering about this case. Mr. Crew then outlined the contradictions: (1) Only one investigator from OCC handling the first sustained report regarding the shooting? (2) Later to be changed to two investigators sustaining the report? (3) Then a story from the Chronicle quoting Mr. Schober as saying that all copies of the draft report criticising the Officers have been destroyed, (4) and the next day he is quoted again as saying, "that was a preliminary report, it was not evidence, the draft was thrown away weeks ago in routine office procedure," (5) then this morning in the Chronicle he changed his story on that as well saying that the draft report was preserved? Mr. Crew said, "these contradictions have not been explained and it certainly calls into question the credibility of the OCC as it is currently being run."

Mr. Crew continued by saying that also in an interview that was broadcast, Mr. Schober revealed that he consulted briefly with a former head of the San Francisco Police Department's Internal Affairs about this matter and then pointed out that he was not aware that it was improper, he then ceased that relationship after being advised by his staff that it was improper. He said the ACLU finds it astonishing that the Director of the OCC would not know it was improper to consult with the former head of the Internal Affairs. Mr. Crew said, to sum up, "more than six months after this public investigation was requested they (ACLU) still have lingering questions about the investigation and the stated contradictions". He said he didn't know what Mr. Schober is going to say in a few minutes but the ACLU has grave concerns about the direction of the OCC and about the credibility of the OCC Process not only in this case but for the future of Civilian Oversights in San Francisco.

Ms. Mariam Williams, Co-Chair of San Francisco Black United Front said she would like to relay to the Commission that the Black Community will no longer tolerate police coming into their communities and opening fire on blacks with very little evidence that they have committed crimes. She said if the report of this shooting is approved then they will be pursuing other avenues of redress.

Commissioner Sanchez asked if there were any other speakers who wanted to address this particular subject. When no one responded he called upon Director Franck Schober to make a presentation.

Mr. Frank Schober said he found it a difficult job to try to make everything outstandingly clear to Mr. Crew of the ACLU. He said Mr. Crew had raised some questions and issues which are imminently deserving of an answer. He said he did not engage in consultations with former members of Internal Affairs. He said as far as delays in the report, there were occasions that he mentioned to the Commission for the OCC's need to obtain technical support amassed to provide them the best possible answers concerning tape. He said he would like to state for the record and to the Commission that the OCC's Investigation into this matter was not the first, that OCC received it eigth months after the fact and in his view the OCC investigation was thorough, honest and adequate. He said looking from the outside with requirements and restrictions on confidentiality is very easy for Mr. Crew to raise questions and very hard for the OCC to answer them and still preserve confidentiality.

Mr. Arnold Townsend, citizen and taxpayer, said he just wanted to comment very briefly that the Lumpkin death was a real tragedy. He said however, those things do happen and that is why there is a process that is created. He said the most important thing that everyone can do as citizens and especially those who have been charged with public trust is to keep that process clean and absolutely above suspicion. He said it looks as though the process has been subverted and that does a disservice to all.

Commissioners Sanchez thereafter and after listening to Mr. Crew once again, said the Public comment pertaining to this particular item is now complete for the record. He said the Commission has spent a great deal of time, review and study, pertaining to this Investigation and Report. He said, as previously stated, the Commission on September 11, 1986, did listen to public testimony and did mandate the Director of OCC to conduct a comprehensive reporting and dialogue. He said the Commission has been continually informed by the City Attorneys that the Report is priveleged and confidential. He said he believed that the Commission, after having two comprehensive closed session meetings with the City Attorney, under the Brown Act, has reached a point where it is ready to either accept or reject the report as provided by the Director of Office of Citizen Complaints.

Commissioner Juanita Owens, said she would like to speak to not accepting OCC's report. "The report of the OCC declines to sustain the third allegation. A review of the report leads me to conclude that the Director of the OCC declined to sustain the third allegation because he could not ascertain who made the statement in relations to racial slur. My review of the report leads me to conclude that it is impossible to ascertain which Officer made racial slur, however, the weight of the evidence at this time appears to support a conclusion that a racial slur was made by someone. If in fact a member of the Department even though the member cannot be identified did make a racial slur that is something the Commission must deal with. Therefore, the complaint should be sustained when the OCC finds from the evidence before it that a member of the Department violated a Department Rule including a rule against making racial slurs. Even though the Director of the OCC is unable to ascertain who in the Department made the statement if the complaint that a member of the Department made this statement is sustained, then next the Commission has to decide whether there are any administrative measures that need to b e taken to insure that the Department members not engage in these activities in the future. Therefore, I cannot accept the report."

Commissioner Owen Davis said he would like to propose a motion for adoption as a resolution to the Commission. He said it is rather lengthy because he felt it is important to try to explain some of the process and what has been before this Commission. He said if the Commission will bear with him he would like to read into the record this resolution: "The death of any individual at the hands of a San Francisco Police Officer is a matter of extreme concern to the Commission.

RESOLUTION NO. 409-87

OFFICE OF CITIZEN COMPLAINTS INVESTIGATION OF THE COMPLAINT OF THE AD-HOC COMMITTEE OF CONCERNED CITIZENS REGARDING THE LARRY LUMPKIN INCIDENT

WHEREAS, the death of any individual at the hands of a San Francisco police officer is a matter of extreme concern to the Commission. The recent death of Larry Lumpkin fits this concern. The Commission is giving serious consideration to the many complaints raised regarding the death of Mr. Lumpkin. Reviews by the Police Department and the District Attorney's Office classified the shooting incident as "justifiable homicide." However, other public concerns raised by the Ad Hoc Committee of Concerned Citizens caused the Commission to ask the Office of Citizen Complaints to initiate a thorough investigation.

The OCC furnished the Commission with a report that investigated three allegations:

(1) Shot and killed Larry Lumpkin in violation of written departmental policies - unnecessary force.

(2) Shot and killed Larry Lumpkin when he could have been apprehended - unnecessary force.

(3) Called deceased a nigger - racial slur.

The Commission has received the report of the OCC regarding these three allegations. As you heard, the Director of OCC has resolved each complaint by making a finding of "not sustained."

In order to understand the significance of that finding, and to evaluate what future actions should be taken, it is important at this point to review the investigative hearing rules adopted by the Commission which govern the OCC's investigation and resolution of complaints. These rules contain definitions that bear directly upon this analysis.

(a) Section 200.1 Proper Conduct: The evidence proves that the acts which provided the basis for the complaint or allegation occurred; however, that such acts were justified, lawful and proper.

(b) Section 200.2 Sustained: A preponderance of the evidence proves that the conduct complained of did occur and that, using as a standard the applicable regulations of the Department, the conduct was improper.

(c) Section 200.6 Not sustained: The investigation fails to disclose sufficient evidence to prove the allegation(s) made in the complaint or to disprove such allegation(s).

(d) Section 200.9 Unwarranted Actions: Those actions for which there appears to be no reasonable justification under the circumstances when viewed in light of the applicable law, training, supervision, and general Departmental policy and procedures.

(e) Section 200.11 Racial, Sexual, Ethnic Slurs: The use of any of the common or slang terms, which are generally perceived to be derogatory in nature, to refer to any member of a racial, ethnic, religious group or to refer to any person's nationality, sex, or sexual orientation, or which may constitute sexual harassment.

It is first noteworthy that the Director of the OCC did not make a finding of "proper conduct" as implied in the "justifiable homicide" conclusions of the District Attorney and the Police Department's investigation. Neither did the Director of the OCC make a finding that the complaints should be "sustained" meaning that the investigation fails to disclose sufficient evidence of wrongdoing. Further, the Director of the OCC did not make a finding of "unwarranted actions" or "racial slurs" which would have meant that in fact the complaint should be sustained and that preponderance of the evidence supported conclusions of wrongdoing. However, the Director of OCC's ruling is that all three allegations be "not sustained". This means nothing more than the failure of the investigation to disclose sufficient evidence to prove or disprove the allegations in the complaint.

Thus, the Director's report to the Commission presents evidence on both sides of the issue and concludes that there is not a preponderance of evidence on either side.

The Commission accepts this portion of the report conditionally upon receipt of supplemental explanation from the OCC.

The Commission has made a serious effort to obtain from the OCC in written form a complete report which standing on its own would contain sufficient information and logical analysis to justify its conclusions. To that end the Commission heard an oral presentation by the Director of the OCC. Based on this oral presentation, the Commission concludes that the OCC has investigated to the fullest extent of its capabilities all available evidence. However, the Commission concludes that the report without the supplemental explanation does not present in sufficient detail how it weighs and evaluates the evidence. Prior to the oral explanation, the Commission was unable to evaluate the Director's conclusion not to sustain complaints where there is some testimony or other evidence on both sides of an issue; therefore, be it

RESOLVED, the Commission will take the following steps:

(1) The Commission, having accepted the report, requests that the Director of the OCC file a supplemental report in which he explains how he evaluated and weighed conflicting evidence. This explanation should be designed to be read in conjunction with the report for the purpose of enabling someone reading the report to understand the conclusions of the Director of OCC that there was insufficient evidence to sustain the complaints.

(2) The Director of the OCC shall conduct further investigations after the pending investigations of the FBI and the California Attorney General have been completed for the purpose of determining whether any additional or different evidence has been uncovered that could enable the Director of the OCC to determine whether the unresolved issues can be set to rest.

(3) The Director of the OCC shall furnish the District Attorney and the Chief of Police with copies of the OCC report. The Chief shall direct the Homicide Division to review their findings in light of the material contained in the OCC report to determine whether the information in the OCC report gives reason to reconsider any of the Department's original conclusions with regard to this incident. The Director of the OCC shall also request the District Attorney to examine his initial conclusions following his investigation of the Larry Lumpkin incident for the purpose of determining whether any information contained in the OCC report would assist the District Attorney to determine whether to reopen the investigation or reassess his initial conclusions.

(4) The Commission shall institute a major review of the investigative capabilities and administration of the OCC in order to assure that the office has the capability in place to conduct these more significant investigations. The Commission recognizes that the undertaking of investigating complaints surrounding the Lumpkin incident has been far beyond investigatory tasks the OCC has been asked to perform in the past.

AYES: Commissioners Davis, Giraudo, Owens
NAYS: Commissioners Owens, Sanchez

After the Resolution was read into the record Commissioner Sanchez asked if there was a second to Commissioner Davis' motion, it was seconded by Commissioner Nelder.

Commissioner Sanchez said he would like to make one brief statement: "I feel the motion to propose accepting the report, on a conditional basis, really invalidates the basis of the report. I feel that there are just too many questions unanswered on validity and reliability resulting in inconclusive and contradictive conclusions, I find, I do not feel the Commission should vote to accept the report. I feel the report is incomplete and should so be so stated. Unless there is further discussion by the Commission,

Commissioner Nelder: "This resolution basically is saying its inconclusive at this point and will be accepted pending the disposition of the FBI and the Attorney General, that is correct isn't it Commissioner Davis?"

Commissioner Davis: "That is the intent of this motion."

Commissioner Sanchez: "Alright, thank you. Further discussion on this motion? If not, Lieutenant Frazier may we have a roll call please?"

Lt. Frazier: "Commissioner Davis?"

Commissioner Davis: "Yes."

Lt. Frazier: "Commissioner Giraudo?"

Commissioner Giraudo: "Yes."

Lt. Frazier: "Commissioner Owens?"

Commissioner Owens: "No."

Lt. Frazier: "Commissioner Nelder?"

Commissioner Nelder: "Yes."

Lt. Frazier: "Commissioner Sanchez?"

Commissioner Sanchez: "No."

Commissioner Sanchez then said the motion to accept the report given the conditions and recommendations is approved by the Commission three votes to two and there will be no further discussion on this matter unless the Commission wishes to proceed with same.

After receiving no response, Commissioner Sanchez said the report is accepted and the Commission will proceed with the remaining agenda items.

At this time another speaker, who had just arrived at the meeting, asked if there would be some Public Comment on this matter. Commissioner Sanchez advised him that Public Comment had been received and the report had been voted on.

The speaker said his name was Larry Johnson Redd and they (now known as the Black United Front) originally submitted the petitions asking for this public report. He said their Committee which was at that time was known as Concerned Citizens and which is now known as the San Francisco Black United Front, submitted more than a thousand signatures back on September 11, 1986, asking for a Public Investigation and a full disclosure of this terrible and horrible crime. He said since that time they have seen the flip flopping on behalf of the Office of Civilian Complaints with documents being shredded and all of a sudden documents being found in the Safe, with Investigators being removed from the case and many gross irregularities. He said, so, there is a very deep feeling in the San Francisco Black Community that this is a White Wash. He continued, after going through all of what he called the irregularities, by saying that if the Commission accepted this report then they become a part of a Conspiracy to cover up a murder of an innocent until proven guilty, black citizen.

Mr. Baba Holmes, also with the Black United Front, insisted on speaking and passed out what he termed as a transcript of a tape of the alledged voice of Larry Lumpkin to the Secretary to the Police Commission to pass to the Commissioners which he said they considered as evidence. He said the police account states that at the time the officers fired upon Larry Lumpkin they feared for their lives because Lumpkin was attempting to run them over. He said he would play the tape which clearly shows that Lumpkin was trying to give up and the police by telling him to get out of the car implies that the car is not moving, that it is stopped and he was trying to run them over. And if he was, his voice would be weak at the beginning and stronger at the end. If he was moving away from then it would be stronger at the beginning and weaker at the end. He said if they were walking around or moving from a distance, there would be a fluctuation of the voice on this tape. He said there is no fluctuation, all of the participants are standing still. They are very close to each other, the manufacturer of the Motorola MX3-40 Walkie Talkie said that the Police Department Officers who use it and wear it on their hips, claims that that Walkie Talkie has to be at a maximum distance of three inches in order to pick up something. He said he would play the tape for the Commission. He said on this tape you can hear Larry Lumpkin say "okay" five times and "I'm cool, I'm cool". The obscure part, he said is, "nigger get out", then you can hear Larry Lumpkin saying "I can't", and then you can hear an Officer say "you're dead". Mr. Holmes said if the Officer was saying you're dead then even before he shot him, he was thinking of killing Larry Lumpkin. Mr. Holmes said Larry Lumpkin was unarmed and shot in the back of the head. He then played the tape. Afterwards, he said he was asking the Commission to reconsider its vote because the Commission did not consider this piece of evidence and it is to him the most important piece of evidence on this tape. He then played it again. He said this tape is completely incriminating of the police and completely contradicts and devastates the Official Police Report that was filed which claimed that the moment they fired the shots that killed Larry Lumpkin, Lumpkin was trying to run them over.

He said if the Commission can accept this report without the most vital piece of information, which happens to be the most damaging information against the police and is not included as evidence only shows that the Commission as human beings and professionals are not capable of interpreting a report, don't know what a report is, don't know the specific facts to consider or what to look for or when a report is complete or not. After listening to further dialogue of Mr. Holmes, the next item was called.

RECOMMENDATION OF THE CHIEF OF POLICE THAT THE POLICE COMMISSION CONDUCT A HEARING INTO THE MATTER OF LUXOR CAB COMPANY INDICATING THAT LUXOR HAS VIOLATED APPENDIX F, SECTION 5, SUBDIVISION (a) OF THE CHARTER OF THE CITY AND COUNTY OF SAN FRANCISCO

Mr. Lawrence Wilson said what the Legal Office for the Department is asking is that the matter be continued for at least one week. He said he had received a call from the corporation of Luxor Cab on Tuesday afternoon. He said he had prepared a letter to the Commission which states that he would like a week to prepare a written document for the Commission's Perusal.

Commissioner Davis said he make a motion to hold the matter over to April 30th. Commissioner Nelder seconded and it was unanimously approved.

RESOLUTION NO. 410-87

RECOMMENDATION OF THE CHIEF THAT THE POLICE COMMISSION CONDUCT A HEARING IN THE MATTER OF LUXOR CAB CO. INDICATING THAT LUXOR HAS VIOLATED APPENDIX F, SECTION 5, SUBDIVISION (a) OF THE CHARTER OF THE CITY AND COUNTY OF SAN FRANCISCO (CONTINUED FROM MEETING OF FEBRUARY 26, 1987)

WHEREAS, the date for the hearing on the recommendation of the Chief of Police that the Police Commission conduct a hearing in the matter of Luxor Cab Company indicating that Luxor has violated Appendix F, Section 5, Subdivision (a) of the Charter of the City and County of San Francisco, was called it having been continued from the meeting of February 26, 1987, and

WHEREAS, it was requested by Mr. Lawrence Wilson, Attorney at Law, representing the San Francisco Police Department, that the date for the hearing on Luxor Cab Company be continued to April 30, 1987; therefore be it

RESOLVED, that the date for the hearing in the matter of Luxor Cab Company is set for Thursday, April 30, 1987 at 5:30 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

RESOLUTION NO. 407-87

NOTIFICATION AND FILING OF CHARGES AGAINST POLICE OFFICER ALEXANDER D. ALFARO, SPECIAL OPERATIONS BUR./TRAFFIC DIVISION

WHEREAS, charges of violating the Rules and Procedures of the San Francisco Police Department were filed against Police Officer Alexander D. Alfaro, Special Operations Bureau - Traffic Division, as follows:

SPECIFICATION NO. 1

Engaging in conduct which tends to subvert the good order, efficiency or discipline of the Department or which reflects discredit upon the Department (violation of Rule A-9 of General Order D-1 of the San Francisco Police Department);

SPECIFICATION NO. 2

Engaging in conduct which tends to subvert the good order, efficiency or discipline of the Department or which reflects discredit upon the Department (violation of Rule A-9 of General Order D-1 of the San Francisco Police Department).

by Frank M. Jordan, Chief of Police, San Francisco Police Department; therefore be it

RESOLVED, that the date for the setting of the hearing of the disciplinary charges filed against Police Officer Alexander D. Alfaro, Special Operations Bureau - Traffic Division, is scheduled for Thursday, April 2, 1987 at 5:30 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Davis, Giraudo, Nelder, Owens Sanchez

RESOLUTION NO. 408-87

NOTIFICATION AND FILING OF CHARGES AGAINST POLICE OFFICER ALEJANDRO SERRANO, MISSION STATION

WHEREAS, charges of violating the Rules and Procedures of the San Francisco Police Department were filed against Police Officer Alejandro Serrano, Mission Station, as follows:

SPECIFICATION NO. 1

Engaging in conduct which tends to subvert the good order, efficiency or discipline of the Department or which reflects discredit upon the Department (violation of Rule A-9 of General Order D-1 of the San Francisco Police Department);

SPECIFICATION NO. 2

Engaging in conduct which tends to subvert the good order, efficiency or discipline of the Department or which reflects discredit upon the Department (violation of Rule A-9 of General Order D-1 of the San Francisco Police Department).

SPECIFICATION NO. 3

Possession or using controlled substances as defined under the California Uniform Controlled Substance Act (violation of Section IV.C of General Order D-4 of the San Francisco Police Department);

by Frank M. Jordan, Chief of Police, San Francisco Police Department; therefore be it

RESOLVED, that the date for the setting of the hearing of the disciplinary charges filed against Police Officer Alejandro Serrano, Mission Station, is scheduled for Thursday, April 2, 1987 at 5:30 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Davis, Giraudo, Nelder, Owens Sanchez

HEARING OF THE DISCIPLINARY CHARGES FILED AGAINST POLICE OFFICER GEORGE A. LOZANO, NORTHERN STATION

Officer George Lozano's Council, Mr. William Barfield did not appear for the hearing to represent the Officer. It was indicated to the Commission by a Police Officer Association (POA) representative (Officer Ron Parenti, Vice President San Francisco POA) who was not representing Officer Lozano that Mr. William Barfield, a private attorney had been noticed to be present at 5:00 p.m.

Commissioner Nelder then said that the Attorney must have mixed up his dates. Mr. Michael Gash, Attorney for the Legal Office and Police Department, said he had spoken to Mr. Barfield two days ago and Mr. Barfield knew that the hearing was definitely scheduled for today.

The Commission then recessed and allowed Officer Lozano time to attempt to contact his attorney, but it was no avail.

Commissioner Nelder then said there are a couple of questions the Commission has to concern itself with as it really is not an easy matter to get the subject taken care of. He said it is a problem and as Mr. Gash pointed out it is not his problem, it is Mr. Barfield's problem.

Commissioner Nelder continued by saying that he felt that it was pretty sad when Mr. Barfield leaves a client high and dry like this because contrary to public opinion, the Commission has proceeded in cases in the past, not that it would do so in this instance, but he said, Mr. Barfield certainly should be told about it and some sort of letter of censure should be sent to Mr. Barfield indicating the Commission's dissatisfaction for his non-appearance. A motion was made and approved to send such letter and Commissioner Davis then moved for adjournment with the date to be set for Officer Lozano's hearing as June 18, 1987, it was seconded by Commissioner Giraudo and unanimously approved.

RESOLUTION NO. 411-87

HEARING OF POLICE OFFICER GEORGE A. LOZANO, NORTHERN STATION

WHEREAS, the date for the hearing of the disciplinary charges filed against Police Officer George A. Lozano, Northern Station, was called it having been set for this date; and

WHEREAS, Mr. William Barfield, Attorney at Law representing Police Officer George A. Lozano, was not present, it was requested by the Police Commission that the date for the hearing of the disciplinary charges filed against Police Officer George A. Lozano be continued to June 18, 1987; therefore be it

RESOLVED, that the date for the hearing of the disciplinary charges filed against Police Officer George A. Lozano, Northern Station, is set for Thursday, June 18, 1987 at 5:30 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

The meeting was, thereafter, adjourned at 7:30 p.m.

Lieutenant Willie E. Frazier
Secretary
THE POLICE COMMISSION

Minutes

APRIL 9, 1987 SPECIAL MEETING

The Police Commission of the City and County of San Francisco met in their chambers, Room 551, Hall of Justice, 850 Bryant Street on Thursday, April 9, 1987 at 1700 hours in a Special Meeting.

1. Attorney-Client Conference.

DOCUMENTS DEPT.
JUL 15 1987
SAN FRANCISCO PUBLIC LIBRARY

Commissioner Sanchez presiding.

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

APRIL 9, 1987 REGULAR MEETING

The Police Commission of the City and County of San Francisco met in their chambers, Room 551, Hall of Justice, 850 Bryant Street on Thursday, April 9, 1987 at 1730 hours in a Regular Meeting.

Commissioner Sanchez presiding.

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

APPROVAL OF MINUTES OF MEETING OF FEBRUARY 5, 1987

Approval of Minutes of Meeting of February 5, 1987, the Commissioners having received, approved and returned copies of same.

APPROVAL OF CONSENT CALENDAR

Recommendation of the City Attorney for settlement of the following claims against the City and County of San Francisco:

RESOLUTION NO. 466-87

DAVIN FULLER vs. CITY AND COUNTY OF SAN FRANCISCO, et al

RESOLVED, that the recommendation of the City Attorney for settlement of the litigation of Davin Fuller in U. S. District Court No. C85-7962TEH entitled "Davin Fuller vs. City and County of San Francisco, et al" in the sum of $88,545.00 as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: April 28, 1985

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

RESOLUTION NO. 467-87

MICHAEL BAILEY vs. CITY AND COUNTY OF SAN FRANCISCO, et al

RESOLVED, that the recommendation of the City Attorney for settlement of the litigation of Michael Bailey in U. S. District Court No. C84-6974JPV entitled "Michael Bailey vs. City and County of San Francisco, et al" in the sum of $30,000.00 as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: December 28, 1983

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

RESOLUTION NO. 468-87

HERBERT LAWRENCE WINBUSH vs. CITY AND COUNTY OF SAN FRANCISCO

RESOLVED, that the recommendation of the City Attorney for settlement of the litigation of Herbert Lawrence Winbush in the sum of $12,000.00 in Superior Court No. 821-481 entitled "Herbert Lawrence Winbush vs. City and County of San Francisco, et al" as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: January 17, 1984

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

RESOLUTION NO. 469-87

STEPHEN LIEU vs. CITY AND COUNTY OF SAN FRANCISCO

RESOLVED, that the recommendation of the City Attorney for settlement of the litigation of Stephen Lieu in the sum of $9,750.00 in Superior Court No. 838-972 entitled "Stephen G. Lieu, a minor through his Guardian Ad Litem Thomas Lieu vs. City and County of San Francisco, et al" as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: July 4, 1984

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

RESOLUTION NO. 470-87

JOHN F. EVENSON

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of John F. Evenson in the sum of $88.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: March 7, 1987

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

RESOLUTION NO. 471-87

RONALD CALABRESE

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Ronald Calabrese in the sum of $65.00 as the result of a faulty tow, be, and the same is hereby approved.

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

RESOLUTION NO. 472-87

MARK JOSEPH DeFREITAS

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Mark Joseph DeFreitas in the sum of $65.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: March 1, 1987

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

RESOLUTION NO. 473-87

YELLOW CAB CO-OP INC.

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Yellow Dab Co-op, Inc. in the sum of $65.00 as the result of a faulty tow, be, and the same is hereby approved

Date of Incident: March 23, 1987

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

RESOLUTION NO. 474-87

JOHN KAINLEURI

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of John Kainleuri in the sum of $65.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: February 17, 1987

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

RESOLUTION NO. 475-87

JOSHUA HELLER

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Joshua Heller in the sum of $65.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: February 27, 1987

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

RESOLUTION NO. 476-87

LEO FONG

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Leo Fong in the sum of $65.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: March 17, 1987

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

RESOLUTION NO. 477-87

MIACHELA CARTER

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Miachela Carter in the sum of $65.00 as the result of afaulty tow, be, and the same is hereby approved.

Date of Incident: February 10, 17 or 24, 1987

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

RESOLUTION NO. 478-87

HELAINE B. LASKY

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Helaine B. Lasky in the sum of $65.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: February 8, 1987

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

POLICE COMMISSION REPORT

Commissioner Sanchez said the Police Commission met this date in Closed Session under the Brown Act in an Attorney Client Conference and no vote was taken. He said last week the Commission requested the Chief and the Director of Office of Citizen Complaints (OCC) to clarify the status of alleged missing files of OCC investigations.

Chief Frank Jordan said he would comment in this regard and would also request that Mr. Frank Schober, Director of OCC comment. He said he had met with Mr. Schober during the week and OCC has presented the Department with all of the cases that were discussed last week. The Chief said he would now review them and see what has to be done in terms of a follow-up and possible disciplinary review. He said every questionable investigation has now been accounted for.

He said he has developed a plan that he would like to brief one of the Commission Members who could act as a committee of one and report back to the Commission on the Community Plan which would involve a Community Advisory Council. He said today he called the Reverend Cecil Williams who is very interested in serving on such a panel and Grant Mickens of the Human Rights Commission and to show that it is absolutely necessary to have input from all community groups and appreciate and ask even that agency which has been very vociferous at times represented here by Mr. John Crew if he would consider serving on such a panel. He said the OCC needs a panel such as this to meet quarterly, hopefully with a representative from the Commission and receive the community concerns which can best be raised during such meetings and not in the press.

Commissioner Owens said she was delighted to hear that Mr. Schober has followed through on the initial request that was made approximately one year ago in doing the outreach to the community, getting the community involved more with OCC and, she said, she would like to eventually see that by doing this that it comes to fruition and that the Commission and OCC has a good working relationship with the Community.

Commissioner Nelder said that before the Commission concludes on the Police Commission Report, he had suggested sometime ago that the FTO Program stand some revision. He said it would involve a process of selection that would include a very meticulous background check and a core of FTO Officers that would be considered above the rank of Patrolman and be compensated accordingly. Addressing his remarks to the Chief he said, it should also be a permanent unit that would be commanded by at least a Captain. He said to the Chief, that he felt it might be wise to appoint a committee of his top staff to look into that possibility and create a unit that is separate and distinct from just a Field Training Officer Unit a unit that would be the same as any other major division in the Department. He said he felt those officers, and he was not critizing all of them, but some of them really have not performed as well as the Chief would like and perhaps not as well as the Commission would like and that is the reason some of the complaints are now forth coming. He said the Chief would not have to comment on it at this time but it is something that he might digest and perhaps put a committee together and look into that possibility.

Chief Jordan said he would certainly do so. He said, however, at this time, some of the drawbacks that he sees that need to be addressed and will be is that speaking one on one where you have one field training officer training one individual you are talking forty to fifty additional sergeants and you are talking additional funds for a Captain so these are all budgetary items which as the Commission knows can be difficult to obtain but, he said, he would certainly pursue it and will be happy to do so. He said he is concerned about the Field Training Program in that in the last 15 months it has had an outstanding record and there has just been one incident here and he (Chief) is a little concerned about dismantling the whole program which has been drastically changed in the last 15 months and has been extremely successful except for this one issue that still needs to be resolved.

CHIEF'S REPORT TO THE POLICE COMMISSION

Chief Jordan said he had nothing further to report.

REQUEST OF THE CHIEF OF POLICE FOR APPROVAL OF ACCEPTANCE OF A GIFT OF A MAGNETIC TAPE CLEANER FROM THE SAN FRANCISCO EXAMINER

Lt. James Dachauer of the Information Systems Management Division said the Commission may recall that last year the Examiner requested the Department to provide some statistics to the Examiner for purposed of starting a new neighborhood secton of their newspaper. He said his unit provided those statistics the Examiner was grateful for that but then they re-contacted him and asked if they could provide them in a new format on magnetic tape. He said his unit went forward with that and it cost the Police Department some programing time to do that and after finishing putting the whole thing on magnetic tape, the Department went back to the Examiner through Mr. Malcolm Glover, Reporter for the Examiner, and pointed out that the Examiner said they would be willing to pay for any efforts the Department had undertaken. He said ultimately they worked out the fact that the Police Department Data Center needed a Magnetic Tape Cleaner, an item that had been deleted from the previous year's budget and through the efforts of Mr. Glover the Department received the offer of the Gift of the Tape Cleaner. Commissioner Giraudo said he would make a motion to accept the Gift from the Examiner. Commissioner Nelder seconded and it was unanimously approved.

RESOLUTION NO. 460-87

AUTHORIZING THE SAN FRANCISCO POLICE DEPARTMENT TO ACCEPT A GIFT OF A MAGNETIC TAPE CLEANER FROM THE SAN FRANCISCO EXAMINER

WHEREAS, the San Francisco Examiner has generously offered to donate a magnetic tape cleaner to the San Francisco Police Department, and

WHEREAS, the tape cleaner will greatly enhance the Department's data systems operations, and

WHEREAS, the value of the donation exceeds the five thousand dollars ($5,000) limit on gifts which the Police Commission is permitted to authorize for the Department; now therefore be it

RESOLVED, that the Police Commission requests the Board of Supervisors to adopt the attached resolution authorizing the Chief of Police to accept this public-spirited gift.

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

REQUEST OF THE CHIEF OF POLICE FOR APPROVAL OF THE PROPOSED DONATION OF A HORSE NAMED "QUIET CHIEF" TO THE SAN FRANCISCO POLICE DEPARTMENT MOUNTED UNIT BY MR. ED PORTER, FRESNO, CALIFORNIA

Chief Frank Jordan said the Department is recommending approval for the acceptance of this horse. He said this horse is 9 years old it is a thoroughbred and is registered.

Its estimated value is $4,000.00, has had a veterinarian check and will give the Police Department's Mounted Unit many years of service.

Commissioner Giraudo said he would make a motion for acceptance of the horse. Commissioner Davis said he would second that motion and it was unanimously approved.

RESOLUTION NO. 461-87

REQUEST OF THE CHIEF FOR APPROVAL TO ACCEPT THE PROPOSED DONATION OF A HORSE NAMED "QUIET CHIEF" TO THE SAN FRANCISCO POLICE DEPARTMENT MOUNTED UNIT BY MR. ED PORTER

WHEREAS, Mr. Ed Porter has expressed a desire to donate a horse for the use of the San Francisco Police Department Mounted Unit, and

WHEREAS, this civic minded gesture will provide needed assistance in the protection of life and property in San Francisco, and

WHEREAS, Section 10.116 of the San Francisco Administrative Code allows for the acceptance of gifts by the department head of those gifts to the City and County of San Francisco of a value of Five Thousand ($5,000) Dollars or less, and

WHEREAS, the general gift from Mr. Ed Porter has an estimated value of Four Thousand ($4,000) Dollars, and

WHEREAS, IT IS NECESSARY FOR A RESOLUTION BY THE Police Commission to authorize the acceptance of such gifts; now therefore be it

RESOLVED, that the Police Commission of the City and County of San Francisco hereby authorizes the Chief of Police to accept on behalf of the San Francisco Police Department, a gift from Mr. Ed Porter of a horse to be used by the San Francisco Police Department Mounted Unit.

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

RESOLUTION NO. 462-87

RESETTING OF DATE FOR HEARING OF THE DISCIPLINARY CHARGES FILED AGAINST POLICE OFFICER MICHAEL J. WALSH, RICHMOND STATION

WHEREAS, the date for the resetting of the hearing of the disciplinary charges filed against Police Officer Michael J. Walsh, Richmond Station, was called it having been scheduled for this date; and

WHEREAS, it was requested by Mr. Michael Gash, Attorney at Law, representing the San Francisco Police Department, that the date for the hearing of the disciplinary charges filed against Police Officer Michael J. Walsh be set for May 21, 1987; therefore be it

RESOLVED, that the date for the hearing of disciplinary charges filed against Police Officer Michael J. Walsh, Richmond Station, is set for thursday, May 21, 1987 at 5:30 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

RESOLUTION NO. 459-87

NOTIFICATION AND FILING OF CHARGES AGAINST RECRUIT OFFICER DESIREE T. GARRICK, POLICE ACADEMY

WHEREAS, charges of violating the Rules and Procedures of the San Francisco Police Department were filed against Recruit Officer Desiree T. Garrick, Police Academy, as follows:

SPECIFICATION NO. 1

Possession or using controlled substances as defined under the California Uniform Controlled Substance Act (violation of Section IV.C of General Order D-4 of the San Francisco Police Department).

by Frank M. Jordan, Chief of Police, San Francisco Police Department; therefore be it

RESOLVED, that the date for the setting of the hearing of the disciplinary charges filed against Recruit Officer Desiree T. Garrick, Police Academy, is scheduled for Thursday, April 16, 1987 at 5:30 p.m. at Room 551, Hall of Justice.

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

REQUEST OF OFFICER JOHNNIE FLANNIGAN, TECHNICAL SERVICES BUREAU/COMMUNICATIONS, FOR A LEAVE OF ABSENCE WITHOUT PAY (FROM MARCH 12, 1987 to APRIL 9, 1987)

Mr. Michael Gash, Counsel of the Management Control Division said the purpose for that being on the calendar today is because back on March 12th, Officer Flannigan's attorney appeared before the Commission and requested a continuance on the hearing date that was originally scheduled for March 12th. As a requisite to granting that continuance you requested that Officer Flannigan, under the Department Rules, submit a request for a Leave of Absence to cover the period of time from March 12th to today's date and that is the only purpose for that matter being on the calendar today.

Commissioner Giraudo made a motion for approval, Commissioner Davis seconded and it was unanimously approved.

RESOLUTION NO. 463-87

LEAVE OF ABSENCE WITHOUT PAY PENDING HEARING OF CHARGES POLICE OFFICE JOHNNIE FLANNIGAN, COMMUNICATIONS

WHEREAS, Police Officer Johnnie Flannigan, Technical Services Bureau, Communications, was suspended without pay effective Thursday, January 29, 1987 at 1700 hours pending hearing of charges before the Police Commission; and

WHEREAS, Police Officer Johnnie Flannigan has requested a Leave of Absence Without Pay pending hearing of charges before the Police Commission; therefore be it

RESOLVED, that Police Officer Johnnie Flannigan, Technical Services Bureau, Communications, be placed on Leave of Absence Without Pay at his request commencing March 12, 1987 to April 9, 1987, inclusive, be, and the same is hereby approved.

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

HEARING OF THE DISCIPLINARY CHARGES FILED AGAINST POLICE OFFICER JOHNNIE FLANNIGAN, TECHNICAL SERVICES BUREAU/COMMUNICATIONS

Officer Johnnie Flannigan failed to appear and his attorney said he expected Officer Flannigan to be admitted to the hospital tonight. Subsequent check with Officer Flannigan's doctor revealed that the Doctor advised Officer Flannigan to come to tonight's hearing. However, he did not follow through with the Doctor's advise. Commissioner Nelder said he would make a motion for the Commission to continue this matter for one week for trial and for the Department to draw up new specifications against Officer Flannigan for failing to follow the order to be here on this particular date. Commissioner Sanchez said the only modification that he would make is that there was a motion initially made and a vote taken with the motion passing four to one. He said he would ask that the maker of the motion to move to rescind that initial motion and if there is a second then the Commission could vote it out and then proceed with the new motion. Commissioner Davis said he would move to rescind his motion and Commissioner Owens said she would withdraw her second and it was approved.

Commissioner Nelder then proceeded with his motion in that the Commission shall proceed one week from today also with the new specification added that Officer Johnnie Flannigan failed to follow the order to be here on this date, April 9th for trial. Commissioner Davis said he would second.

For discussion before final vote on the motion, Commissioner Sanchez said he would like to state: "This Commission has really, over the years, and in particularly in the matter of Johnnie Flannigan this particular officer was presented with a due process and procedure here resulting in penalties that were issued to him over a year ago and which were held in abeyance pending any future infractions of same. This matter has been calendared from time to time, as we previously said, over a past period of time, witnesses have come here in good faith.

A great deal of time and sacrifice pertaining to the administrative process in which this Commission has always tried to conduct in an objective fashion. We were set to go this evening although evidently there was a signal that evidently a letter of resignation was forthcoming, alledgedly, and another indication that evidently Officer Flannigan was being hospitalized, etcetera. The fact of the matter is the Officer was given a direct order to be here. That is the basis of this motion and now a new charge will be filed. This Commission will hear it and will take action. But let me just state again that there was termination involved and it was held in abeyance pending any infraction of same and it seems now there are two infractions that will be proven or not proven and I think the record will speak for itself. I do want to apologize on behalf of the Commission to the many citizens who have come out here as witnesses to participate in the institution of basically police oversight or oversight of police services and I know it is very frustrating or whatever but unfortunately it is a matter of record and we will proceed accordingly under our Administrative Rules and procedures regarding the Officer."

Commissioner Louis Giraudo to Mr. Steve Whitmore, counsel for Officer Johnnie Flannigan: "Counsel! It is obvious your client is playing dodge ball with us and I am afraid this is something that is re-occuring, not only with respect to this particular client, but with other clients of the same office. And I really would urge you and Mr. Bley to start exercising some client control because I feel caught because of my knowledge of the law realizing that if we heard this matter tonight, it would come back to us from Superior Court. But at the same time next Thursday, I will recommend going forward. After what you represented to this body this evening in apposition are totally opposite in what came across on the telephone that you are not exercising client control and I think it is not good and I think it is disrespectful of this body here and I don't think we can afford to set precedents that has been set or seemingly has been set over the last few weeks. I think that you and your partners ought to have some discussion about that because we are not to be made to look like fools and he is purposely dodging this hearing because he knows it can be continued forever but that is not going to be the case. Then you can take it up to Superior Court or any other place that you like thereafter, but he will be, the hearing will occur in a week's time and I think you better make that clear to him and you either come in here with his resignation or you come in with him, one or the other."

Commissioner Sanchez: "Okay, there is a motion and second before the Commission further discussion? If not all in favor state Aye! Ayes unanimous.

RESOLUTION NO. 463-87

HEARING OF POLICE OFFICER JOHNNIE FLANNIGAN, TECHNICAL SERVICES BUREAU/COMMUNICATIONS

WHEREAS, the date for the hearing of the disciplinary charges filed against Police Officer Johnnie Flannigan, Technical Services Bureau, Communications, was called it having been set for this date; and

WHEREAS, Officer Johnnie Flannigan was not present, it was requested by the Police Commission that the date for the hearing of the disciplinary charges filed against Police Officer Johnnie Flannigan be continued to April 16, 1987; therefore be it

RESOLVED, that the date for the hearing of the disciplinary charges filed against Police Officer Johnnie Flannigan, Technical Services Bureau, Communications, is set for Thursday, April 16, 1987 at 5:30 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

HEARING OF THE DISCIPLINARY CHARGES FILED AGAINST POLICE OFFICER DARRYL S. PERKINS, MISSION STATION

Mr. Michael Gash, Attorney for the Department said that he had spoke with Officer Perkins' Attorney and he (Gash) was under the impression that the Flannigan matter was going forth tonigh and so he and Officer Perkins' Attorney came to an agreement of setting Officer Perkins' Hearing for April 30th subject to approval of the Commission.

Commissioner Owens said she would move approval, Commissioner Nelder seconded and it was unanimously adopted for Hearing on the 30th of April.

RESOLUTION NO. 465-87

HEARING OF POLICE OFFICER DARRYL S. PERKINS, MISSION STATION

WHEREAS, the date for the hearing of the disciplinary charges filed against Police Officer Darryl S. Perkins, Mission Station, was called it having been set for this date; and

WHEREAS, Mr. Michael Gash, Attorney at Law, representing the San Francisco Police Department, requested that the date for the hearing of the disciplinary charges filed against Police Officer Darryl S. Perkins be continued to April 30, 1987; therefore be it

RESOLVED, that the date for the hearing of the disciplinary charges filed against Police Officer Darryl S. Perkins, Mission Station, is set for Thursday, April 30, 1987 at 5:30 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

The meeting, thereafter, was adjourned at 7:30 p.m.

Willie E. Frazier

Lieutenant Willie E. Frazier
Secretary
THE POLICE COMMISSION

APRIL 30, 1987 Minutes REGULAR MEETING

The Police Commission of the City and County of San Francisco met in their chambers, Room 551, Hall of Justice, 850 Bryant Street on Thursday, April 30, 1987 at 1730 hours in a Regular Meeting.

Commissioner Sanchez presiding.

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

APPROVAL OF MINUTES OF MEETING OF FEBRUARY 19, 1987

Approval of Minutes of Meeting of February 19, 1987, the Commissioners having received, approved and returned copies of same.

DOCUMENTS DEPT.

JUL 21 1987

SAN FRANCISCO PUBLIC LIBRARY

APPROVAL OF CONSENT CALENDAR

Recommendation of the City Attorney for settlement of the following claims against City and County of San Francisco:

RESOLUTION NO. 567-87

VICENTE BRUNO HOJAS

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Vicente Bruno Hojas in the sum of $434.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: March 2, 1987

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

RESOLUTION 568-87

JOHN MICHAEL COLE

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of John Michael Cole in the sum of $99.50 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: March 7, 1987

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

RESOLUTION NO. 569-87

HELENE MARIE SPIVAK

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Helen Marie Spivak in the sum of $99.50 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: April 4, 1987

AYES: Commisssioners Davis, Giraudo, Nelder, Owens, Sanchez

RESOLUTION NO. 570-87

ABC TOWING (ANA DIAZ)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of ABC Towing (Ana Diaz) in the sum of $99.50 as the result of non-payment of towing charges, be, and the same is hereby approved.

Date of Incident: March 10, 1987

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

RESOLUTION NO. 571-87

ABC TOWING (WAYNE DAUPHINE)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of ABC Towing (Wayne Dauphine) in the sum of $99.50 as the result of non-payment of towing charges, be, and the same is hereby approved.

Date of Incident: March 11, 1987

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

RESOLUTION NO. 572-87

ABC TOWING (MUARA BENNETT)

RESOLVED, that the recommendation of the City Attornmey for settlement of the claim of ABC Towing (Muara Bennett) in the sum of $99.50 as the result of non-payment of towing charges, be, and the same is hereby approved.

Date of Incident: March 27, 1987

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

RESOLUTION NO. 573-87

ABC TOWING (ALEX VAN BRONKEMA)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of ABC Towing (Alex Van Bronkema) in the sum of $99.50 as the result of non-payment of towing charges, be, and the same is hereby approved.

Date of Incident: March 5, 1987

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

RESOLUTION NO. 574-87

MICHAEL PAUL LAWLER

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Michael Paul Lawler in the sum of $99.50 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: April 1, 1987

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

RESOLUTION NO. 575-87

RICHARD LEVITIN

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Richard Levitin in the sum of $99.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: September 26, 1986

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

RESOLUTION NO. 576-87

PATRICIA M. HARRINGTON

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Patricia M. Harrington in the sum of $98.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: March 19, 1987

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

RESOLUTION NO. 577-87

HUMBERTO COREA

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Humberto Corea in the sum of $93.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: March 13, 1987

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

RESOLUTION 578-87

HORACE K. TAYLOR

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Horace K. Taylor in the sum of $89.15 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: March 22, 1987

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

RESOLUTION NO. 579-87

SHEROLD SICKLER

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Sherold Sickler in the sum of $88.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: March 3, 1987

AYES: Commissioners Davis, Giraudo, Nelder, Owens Sanchez

RESOLUTION NO. 580-87

JOAN ILLARDO LITTLE

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Joan Illardo Little in the sum of $88.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: February 26, 1987

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

RESOLUTION NO. 581-87

DIANNA M. MITCHELL

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Dianna M. Mitchell in the sum of $88.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: March 18, 1987

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

RESOLUTION NO. 582-87

ASHLEY WEINERT

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Ashley Weinert in the sum of $88.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: February 27, 1987

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

RESOLUTION NO. 583-87

THOMAS CLAAV METZ

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Thomas Claav Metz in the sum of $88.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: March 15, 1987

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

RESOLUTION NO. 584-87

HELEN JONES

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Helen Jones in the sum of $87.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: March 4, 1987

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

RESOLUTION NO. 585-87

RENATE VENTERS

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Renate Venters in the sum of $76.50 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: March 6, 1987

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

RESOLUTION NO. 586-87

EUGENE SUN

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Eugene Sun in the sum of $76.50 as a resutlt of a faulty tow, be, and the same is hereby approved.

Date of Incident: March 24, 1987

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

RESOLUTION NO. 587-87

ALVARO RODRIQUEZ

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Alvaro Rodriquez in the sum of $76.50 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: March 26, 1987

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

RESOLUTION NO. 588-87

GARY MALIN

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Gary Malin in the sum of $76.50 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: February 13, 1987

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

RESOLUTION NO. 589-87

DONALD LOWE

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Donald Lowe in the sum of $76.50 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: March 9, 1987

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

RESOLUTION NO. 590-87

TRACY A. STEVENS

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Tracy A. Stevens in the sum of $76.50 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: April 2, 1987

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

RESOLUTION NO. 591-87

ANTHONY MAGLIORE

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Anthony Magliore in the sum of $76.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: February 10, 1987

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

RESOLUTION NO. 592-87

TERRI L. CIOCHETTI

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Terri L. Ciochetti in the sum of $76.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: March 20, 1987

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

RESOLUTION NO. 593-87

DAVID JEFFREY

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of David Jeffrey in the sum of $76.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: March 30, 1987

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

RESOLUTION NO. 594-87

ROY KING

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Roy King in the sum of $76.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: March 25, 1987

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

RESOLUTION NO. 595-87

JOHN SWEAT

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of John Sweat in the sum of $76.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: March 30, 1987

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

RESOLUTION NO. 596-87

MARK KUSHNER

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Mark Kushner in the sum of $71.90 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: April 3, 1987

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

RESOLUTION NO. 597-87

JUDITH CUSHING

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Judity Cushing in the sum of $65.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: March 4, 1987

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

RESOLUTION NO. 598-87

DON SHELONKO

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Don Shelonko in the sum of $65.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: March 11, 1987

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

RESOLUTION NO. 604-87

GAYLE GILBARD

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Gayle Gilbard in the sum of $65.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: February 16, 1987

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

RESOLUTION NO. 605-87

FREIDA L. WADDELL

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Freida L. Waddell in the sum of $65.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: March 30, 1987

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

RESOLUTION NO. 606-87

ROBERT W. MENZIES

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Robert W. Menzies in the sum of $65.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: April 2, 1987

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

RESOLUTION NO. 607-87

MARC MARCHESE

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Marc Marchese in the sum of $65.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: March 28, 1987

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

RESOLUTION NO. 608-87

JUDITH CALMAN

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Judith Calman in the sum of $65.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: March 25, 1987

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

RESOLUTION NO. 609-87

JAY BURKE

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Jay Burke in the sum of $65.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: April 2, 1987

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

RESOLUTION NO. 610-87

REBECCA CLAPP

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Rebecca Clapp in the sum of $65.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: April 4, 1987

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

RESOLUTION NO. 611-87

RANDY BRASWELL

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Randy Braswell in the sum of $65.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: March 31, 1987

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

RESOLUTION NO. 612-87

DAVID C. RAMIREZ

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of David C. Ramirez in the sum of $65.00 as result of a faulty tow, be, and the same is hereby approved.

Date of Incident: March 15, 1987

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

RESOLUTION NO. 613-87

GINA RICKER

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Gina Ricker in the sum of $65.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: March 31, 1987

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

RESOLUTION NO. 614-87

ECK, CARMEN

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Eck, Carmen in the sum of $65.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: April 10, 1987 (HEARING DATE)

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

RESOLUTION NO. 615-87

PATRICK DUNLAP

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Patrick Dunlap in the sum of $65.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: April 7, 1987

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

RESOLUTION NO. 616-87

ARLENE MARTIN

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Arlene Martin in the sum of $65.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: April 3, 1987

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

RESOLUTION NO. 617-87

YELLOW CAB CO-OP, INC.

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Yellow Cab Co-op, Inc. in the sum of $65.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: March 26, 1987

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

RESOLUTION NO. 618-87

BRITA R. HEIMARCK

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Brita R. Heimarck in the sum of $65.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: April 3, 1987

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

RESOLUTION NO. 619-87

EMILY FITZSIMMONS

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Emily Fitzsimmons in the sum of $11.50 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: March 5, 1987

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

POLICE COMMISSION REPORT

No report.

(a) PUBLIC COMMENTS

No report.

CHIEF'S REPORT TO THE POLICE COMMISSION

Chief Jordan said he had one item and that is just an update regarding the release of Parolee Lawrence Singleton from the California Men's Colony of San Luis Obispo. He said there was a possibility of having him come to San Francisco however a Temporary Restraining Order has now changed that move, at least temporarily. He said the Department has been advised that there is a possibility that the Department of Corrections is still looking at San Francisco and may attempt again to have him come here even though there is a Temporary Retraining Order against that move. He said the Department is continuing to monitor the situation and as part of the past practices that they would notify the Chief of Police in the event that this move might take place. He said that so far he has not heard from them and if any thing should develop along those lines he would keep the Commission advised.

RECOMMENDATION OF THE CHIEF OF POLICE THAT THE POLICE COMMISSION ADOPT A RESOLUTION REQUESTING THE BOARD OF SUPERVISORS TO AMEND SECTION 25 OF THE SAN FRANCISCO TRAFFIC CODE

Deputy Chief Willis Casey said this matter comes on tonight at the request of the Municipal Railway. He said it seems that a problem has been developing over the years where Muni Railway Inspectors are impowered to have vehicles towed if there is a property damage accident. He said they are impowered to do so if there are personal injuries involved and must wait for a police officer to arrive. He said what has happened is that in minor injury cases traffic has been tied up for a great period of time. So, what the Muni would like is permission for their Muni Inspectors to be able to move vehicles that are involved in accidents and have them towed if necessary rather than waiting for one of the Department's police officers to repsond. He said the Department finds no problem with this request.

Commissioner Nelder said he would make a motion for approval. Commissioner Owens seconded and it was unanimously approved.

RESOLUTION NO. 548-87

PROPOSED AMENDMENT TO SECTION 25 OF PART II, CHAPTER XI OF THE SAN FRANCISCO MUNICIPAL CODE, TRAFFIC CODE

WHEREAS, non-serious injury accidents have a considerable affect on the flow of traffic and the movement of Municipal Railway vehicles, and

WHEREAS, the removal of these vehicles to the side of the roadway will enhance the traffic flow and relieve congestion, and

WHEREAS, the current wording of Traffic Code Section 25 does not allow for Inspectors of the Municipal Railway to direct the movement of vehicles involved in non-serious injury traffic collisions, and

WHEREAS, an amendment to Section 25 of the Traffic Code is necessary to enable Inspectors of the Municipal Railway to direct the removal of vehicles to the side of the roadway in these circumstances; therefore be it

RESOLVED, that the Police Commission hereby urges the Board of Supervisors to adopt the attached amendment to Section 25 of the San Francisco Traffic Code which will authorize Inspectors of the Municipal Railway to direct the movement of vehicles involved in non-serious injury accidents in order to facilitate the flow of traffic around accident scenes.

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

RECOMMENDATION OF THE CHIEF OF POLICE THAT THE POLICE COMMISSION CONDUCT A HEARING INTO THE MATTER OF LUXOR CAB CO. INDICATING THAT LUXOR HAS VIOLATED APPENDIX F, SECTION 5, SUBDIVISION (a) OF THE CHARTER OF THE CITY AND COUNTY OF SAN FRANCISCO

Chief Frank Jordan indicated to the Commission that the Department is asking for an additional continuation due to more clarification which may be needed from the City Attorney's Office. He said the Department has been in contact with the Attorney for the Luxor Cab Company and he has suggested two possible dates for the continuance, one, May 21st, and the second would be June 4th, whichever is agreeable to the Commission.

Commissioner Nelder said he would make a motion to continue it to May 21, 1987, it was seconded by Commissioner Giraudo and unanimously approved.

RESOLUTION NO. 556-87

WHEREAS, the date for the hearing on the recommendation of the Chief of Police that the Police Commission conduct a hearing in the matter of Luxor Cab Company indicating that Luxor has violated Appendix F, Section 5, Subdivision (a) of the Charter of the City and County of San Francisco, was called it having been continued from the meeting of March 26, 1987, and

WHEREAS, it was requested by Mr. Lawrence Wilson, Attorney at Law, representing the San Francisco Police Department, that the date for the hearing on Luxor Cab Company be continued to May 21, 1987; therefore be it

RESOLVED, that the date for the hearing in the matter of Luxor Cab Company is set for Thursday, May 21, 1987 at 5:30 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

RESOLUTION NO. 549-87

SETTING OF DATE FOR HEARING OF POLICE OFFICER DENNIS M. COSTANZO, INGLESIDE STATION

WHEREAS, the date for the setting of the hearing of the disciplinary charges filed against Police Officer Dennis M. Costanzo, Ingleside Station, was called it having been scheduled for this date; and

WHEREAS, it was requested by Mr. Michael Gash, Attorney at Law, representing the San Francisco Police Department, that the date for setting of the hearing of Officer Dennis M. Costanzo be set for May 7, 1987; therefore be it

RESOLVED, that the date for the hearing of the disciplinary charges filed against Police Officer Dennis M. Costanzo, Ingleside Station, is scheduled for May 7, 1987 at 5:30 p.m. at Room 551, Hall of Justice.

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

RESOLUTION NO. 550-87

SETTING OF DATE FOR HEARING OF POLICE OFFICER RICHARD K. MONTERO, MISSION STATION

WHEREAS, the date for the setting of the hearing of the disciplinary charges filed against Police Officer Richard K. Montero, Mission Station, was called it having been scheduled for this date; and

WHEREAS, it was requested by Mr. Michael Gash, Attorney at Law, representing the San Francisco Police Department, that the date for the hearing of Officer Richard K. Montero be set for June 11, 1987; therefore be it

RESOLVED, that the date for the hearing of the disciplinary charges filed against Police Officer Richard K. Montero, Mission Station, is scheduled for Thursday, June 11, 1987 at 5:30 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

RESOLUTION NO. 551-87

SETTING OF DATE FOR HEARING OF POLICE RECRUIT OFFICER DESIREE T. GARRICK, POLICE ACADEMY

WHEREAS, the date for the setting of the hearing of the disciplinary charges filed against Police Recruit Officer Desiree T. Garrick, Police Academy, was called it having been continued from the meeting of April 23, 1987; and

WHEREAS, it was requested by Mr. Michael Gash, Attorney at Law, representing the San Francisco Police Department, that the date for the hearing of Recruit Officer Desiree T. Garrick be set for June 4, 1987; therefore be it

RESOLVED, that the date for the hearing of the disciplinary charges filed against Police Recruit Officer Desiree T. Garrick, Police Academy, is scheduled for June 4, 1987 at 5:30 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

RESOLUTION NO. 552-87

RESETTING OF DATE FOR HEARING OF POLICE OFFICER JOSEPH Y. GUMBAN, MISSION STATION

WHEREAS, the date for the resetting of date for the hearing of the disciplinary charges filed against Police Officer Joseph Y. Gumban, Mission Station, was called it having been scheduled for this date; and

WHEREAS, Mr. Michael Gash, Attorney at Law, representing the San Francisco Police Department, requested the date for the hearing of the disciplinary charges filed against Officer Joseph Y. Gumban be set for May 20, 1987; therefore be it

RESOLVED, that the date for the hearing of the disciplinary charges filed against Police Officer Joseph Y. Gumban, Mission Station, is scheduled for Wednesday, May 20, 1987 at 10:00 a.m. in Room 551, Hall of Justice.

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

RESOLUTION NO. 555-87

RESETTING OF DATE FOR HEARING OF POLICE OFFICER STEPHEN D. LYSTER, CRIMINAL INFORMATION DIVISION

WHEREAS, the date for the resetting of date for the hearing of the disciplinary charges filed against Police Officer Stephen D. Lyster, Criminal Information Division, was called it having been scheduled for this date; and

WHEREAS, Mr. Terence Hallinan, Attorney at Law, representing Police Officer Stephen D. Lyster, requested the date for the hearing of the disciplinary charges filed against Officer Stephen D. Lyster be set for June 25, 1987; therefore be it

RESOLVED, that the date for the hearing of the disciplinary charges filed against Police Officer Stephen D. Lyster, Criminal Information Division, is scheduled for Thursday, June 25, 1987 at 5:30 p.m. in Room 551, Hall of Justice.

AYES: Commisioners Davis, Giraudo, Nelder, Owens, Sanchez

HEARING OF THE DISCIPLINARY CHARGES FILED AGAINST POLICE OFFICE JOHNNIE FLANNIGAN, TECHNICAL SERVICES BUREAU/COMMUNICATIONS DIVISION (File No. C67-285 JWA)

Mr. David Clisham, Attorney for Officer Johnnie Flannigan said the Officer was unable to appear tonight because his wife is sick. He said it was his understanding (Clisham), that Officer Flannigan appeared last week without counsel and he is not prepared to resign on this date. He said he would request that the hearing be re-set for May 21st.

Mr. Michael Gash Attorney for the Department said the Commission told Officer Flannigan last week to be prepared to announce to the Commission whether or not he was going to resign or come forth with an Attorney of whom Mr. Clisham is now making that representation for him, and the Attorney would be prepared to go forward on the 21st of May with the Hearing. Commissioner Giraudo said that was his recollection. Commissioner Nelder then said he would make a motion to have the Hearing on the 21st of May, Commissioner Giraudo seconded and it was unanimously approved.

RESOLUTION NO. 553-87

HEARING OF POLICE OFFICER JOHNNIE FLANNIGAN, TECHNICAL SERVICES BUREAU, COMMUNICATIONS DIVISION (CONTINUED FROM MEETING OF APRIL 23, 1987)

WHEREAS, the hearing of Police Officer Johnnie Flannigan, Technical Services Bureau, Communications Division, was called it having been continued from the meeting of April 23, 1987.

WHEREAS, it was requested by the Police Commission that the date for the hearing of the disciplinary charges filed against Police Officer Johnnie Flannigan be continued to May 21, 1987; therefore be it

RESOLVED, that the date for the hearing of disciplinary charges filed against Police Officer Johnnie Flannigan, Technical Services Bureau, Communications Division, is set for Thursday, May 21, 1987 at 5:30 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

Commissioner Giraudo thereafter addressing his remarks to Mr. Clisham said that it is a difficult situation but he should know that if Officer Flannigan doesn't show up on he 21st of May, the Commission will go forward with or without him being present. Mr. Clisham, said that he was aware of that fact.

HEARING OF POLICE OFFICER DARRYL S. PERKINS, MISSION STATION

The hearing of Police Officer Darryl S. Perkins, Mission Station, was called it having been set for this date. Police Officer Darryl S. Perkins was charged with violating the Rules and Procedures as follows:

SPECIFICATION NO. 1

Engaging in conduct which tends to subvert the good order, efficiency or discipline of the Department or which reflects discredit upon the Department (violation of Rule A-9 of General Order D-1 of the San Francisco Police Department);

SPECIFICATION NO. 2

Failure to report the use of force against a prisoner (violation of Rule XII of General Order F-4 of San Francisco Police Department);

SPECIFICATION NO. 3

Failure to protect the safety of a prisoner while the prisoner is in a member's custody (violation of Rule A-37 of General Order D-1 of the San Francisco Police Department).

in a properly verified complaint by Frank M. Jordan, Chief of Police of the San Francisco Police Department.

Mr. Michael Gash, Attorney at Law, appeared on behalf of the San Francisco Police Department.

Police Officer Darryl S. Perkins appeared in person and was represented by Mr. Casimir Wilson, Attorney at Law.

An opening statement was made by Mr. Michael Gash for the Prosecution.

An opening statement was made by Mr. Casimir Wilson for the Defense.

The following-named witnesses appeared for the Prosecution, were duly sworn and testified:

Officer Michael Paganini, Company D
Officer Gregory Clark, Company D
Officer Brian Danker, Company D
Sergeant Daniel M. Curiel, Company D
Mr. Lawrence Thibodeaux, 133 Shipley
San Francisco, CA
and San Francisco County Jail
Deputy Sheriff Louis Langford, County Jail
Mr. Joseph Choi, County Jail Medic
Mr. Larry Shockey, Office of Citizen Complaints

The following-named witness appeared for the Defense, was sworn and testified:

Officer Darryl S. Perkins, Company D

The following witness was recalled as a rebuttal witness:

Mr. Larry Shockey, Office of Citizen Complaints

The following exhibits were entered into evidence by the Defense:

Exhibit A One 6 x 8 Photo - #15

Exhibit B One 6 x 8 Photo - #16

Exhibit C One 6 x 8 Photo - #17

Exhibit D One 6 x 8 Photo - #2

Exhibit E One 8 x 11 Photo of City Prison Search Cell

Exhibit F Audio Tape

Exhibit G Incident Report #860877996, 8/7/86

The following exhibits were entered into evidence by the Prosecution:

Exhibit #1 Photocopy of Booking Card

Exhibit #2 One 6 x 8 Photo - #3

Exhibit #3 One 6 x 8 Photo - #5

Exhibit #4 One 6 x 8 Photo - #6

Exhibit #5 One 6 x 8 Photo - #7

Exhibit #6 One 6 x 8 Photo - #14

Exhibit #7 Medical Records of Lawrence Thibodeaux

Closing statements were then made by both the Prosecuting and Defense Attorneys.

The Commission took the matter under submission, recessed and returned, and the following resolution was adopted:

RESOLUTION NO. 554-87

DECISION - HEARING OF OFFICER DARRYL S. PERKINS, MISSION STATION

WHEREAS, on February 2, 1987, Frank M. Jordan, Chief of Police, made and served charges against Police Officer Darryl S. Perkins as follows:

SPECIFICATION NO. 1

Engaging in conduct which tends to subvert the good order, efficiency or discipline of the Department or which reflects discredit upon the Department (violation of Rule A-9 of General Order D-1 of the San Francisco Police Department);

(1) At all times herein mentioned, Darryl S. Perkins, Star No. 2179 (hereinafter referred to as "the accused") was and is a police officer employed by the San Francisco Police Department. Officer Perkins is assigned to Mission Station - Golden Gate Division;

(2) As a police officer, the accused was and is responsible for knowing and obeying the rules, orders and procedures of the San Francisco Police Department;

(3) On or about August 8, 1986 at approximately 0230 hours, the accused transported several prisoners from Mission Station to the County Jail, which is located on the 6th floor of the Hall of Justice

(4) On or about August 8, 1986 at approximately 0230 hours, the accused took a male prisoner into the strip search tank for purposes of conducting a strip search of the prisoner;

(5) On or about August 8, 1986 the accused, while conducting the strip search, ordered the prisoner to bend over, then without provocation kicked the male prisoner in the groin;

(6) The accused by kicking a male prisoner in the groin without provocation, while conducting a strip search at the County Jail on or about August 8, 1986 at approximately 0230 hours, has engaged in conduct which constitutes a violation of Rule A-9 of General Order D-1 of the San Francisco Police Department, which states:

"Any breach of the peace, neglect of duty, misconduct or any conduct on the part of any member within or without the state which tends to subvert the good order, efficiency or discipline of the Department or which reflects discredit upon the Department, or any member thereof or is prejudicial to the efficiency and discipline of the Department, though such offenses are not specifically defined or laid down in these Rules and Procedures, shall be considered unofficer-like conduct triable and punishable by the Board.

SPECIFICATION NO. 2

Failure to report the use of force against a prisoner (violation of Rule XII of General Order F-4 of San Francisco Police Department);

(7) The allegations contained in paragraphs 1 through 6 of Specification No. 1 are hereby incorporated by reference as if fully set forth herein;

(8) The male prisoner who was kicked by the accused was treated by the County Jail medic and at San Francisco General Hospital for his injury;

(9) The accused did not make a report that he had kicked the male prisoner in the groin while conducting a strip search at the County Jail on or about August 8, 1986;

(10) The accused by failing to make a report that he had kicked a prisoner in the groin while conducting a strip search at the County Jail on or about August 8, 1986, has engaged in conduct which constitutes a violation of Rule XII of General Order F-4 of the San Francisco Police Department which states in part:

"A. Officers must report the use of the following types of force.

1. Physical strength when injury to the suspect results . . .

B. In all cases in which any of the above types of force are used, an incident report will be prepared. The officer using the force will include the following elements in the text of the report.

1. The type of force used (e.g., mace, struck with fist).

2. A brief statement of the reason for the use of force (e.g. subject resisted arrest)..."

SPECIFICATION NO. 3

Failure to protect the safety of a prisoner while the prisoner is in a member's custody (violation of Rule A-37 of General Order D-1 of the San Francisco Police Department).

(11) The allegations contained in paragraphs 1 through 6 of Specification No. 1 and paragraphs 7 through 10 of Specification No. 2 are hereby incorporated by reference as if fully set forth herein;

(12) The accused is responsible for the custody, control and safety of all prisoners who are in his care;

(13) The accused by kicking a prisoner in the groin while conducting a strip search on or about August 8, 1986, has failed to protect the safety of a prisoner who is in his custody and control, which constitutes a violation of Rule A-37 of General Order D-1 of the San Francisco Police Department, which states:

"Members shall be responsible for the custody, control and safety of all prisoners in their care until such prisoners have been formally remanded to the custody of another."

and

WHEREAS, a hearing on said charges was held before the Police Commission pursuant to Section 8.343 of the Charter of the City and County of San Francisco on Thursday, April 30, 1987, and on Thursday, April 30, 1987, the matter was submitted to the Police Commission for decision; and

WHEREAS, the Police Commission finds that the said charges made and filed against Police Officer Darryl S. Perkins, Mission Station, as contained in Specification No. 1, violation of Rule A-9 of General Order D-1 of the San Francisco Police Department, and Specification No. 2, violation of Rule XII of General Order F-4 of the San Francisco Police Department, and Specification No. 3, violation of Rule A-37 of General Order D-1 of the San Francisco Police Department, are not sustained by the evidence presented at the hearings; therefore be it

RESOLVED, that it is the order of the Police Commission that Police Officer Darryl S. Perkins has not violated Specification No. 1, Rule A-9 of General Order D-1, Specification No. 2, Rule XII of General Order F-4, and Specification No. 3, Rule A-37 of General Order D-1 of the San Francisco Police Department; and be it further

RESOLVED, that it is the order of the Police Commission that said charges contained in Specification No. 1, violation of Rule A-9 of General Order D-1, Specification No. 2, violation of Rule XII of General Order F-4, and Specification No. 3, violation of Rule A-37 of General Order D-1 of the San Francisco Police Department, be and the same are hereby dismissed.

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

Recesses taken during the hearing of Officer Darryl S. Perkins:

7:02 to 7:05 p.m.
8:30 p.m. to 8:37 p.m.
9:30 p.m. to 10:00 p.m.

(The entire proceedings were taken in shorthand form by Ms. Liz Carter, CSR.)

The meeting, thereafter, was adjourned at 10:06 p.m.

Lieutenant Willie E. Frazier
Secretary
THE POLICE COMMISSION

DOCUMENTS DEPT.
JUL 29 1987
SAN FRANCISCO
PUBLIC LIBRARY

MAY 7, 1987 SPECIAL MEETING

The Police Commission of the City and County of San Francisco met in their chambers, Room 551, Hall of Justice, 850 Bryant Street on Thursday, May 7, 1987 at 1700 hours in a Special Meeting.

1. Attorney-Client Conference.

Commissioner Nelder presiding.

AYES: Commissioners Davis, Nelder, Owens
ABSENT: Commissioners Giraudo, Sanchez

MAY 7, 1987 REGULAR MEETING

The Police Commission of the City and County of San Francisco met in their chambers, Room 551, Hall of Justice, 850 Bryant Street on Thursday, May 7, 1987 at 1730 hours in a Regular Meeting.

Commissioner Nelder presiding.

AYES: Commissioners Davis, Nelder, Owens
ABSENT: Commissioners Giraudo, Sanchez

APPROVAL OF MINUTES OF MEETING OF FEBRUARY 26, 1987

Approval of Minutes of Meeting of February 26, 1987, the Commissioners having received, approved and returned copies of same.

APPROVAL OF CONSENT CALENDAR

Recommendation of the City Attorney for settlement of the following claims against City and County of San Francisco:

RESOLUTION NO. 624-87

ROY SIMON, et al vs. CITY AND COUNTY OF SAN FRANCISCO

RESOLVED, that judgment made for settlement of litigation of Roy H. Simon, et al vs. City and County of San Francisco in the total sum of $33,169.00 in Superior Court No. 783-266 as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: February 21, 1981

AYES: Commissioners Davis, Nelder, Owens
ABSENT: Commissioners Giraudo, Sanchez

RESOLUTION NO. 625-87

WADE BELL vs. CITY AND COUNTY OF SAN FRANCISCO, et al

RESOLVED, that the recommendation of the City Attorney for settlement of the litigation of Wade Bell in U. S. District Court No. C85-8762 JPU entitled "Wade Bell vs. City and County of San Francisco, et al" in the sum of $7,000.00 as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: March 29, 1985

AYES: Commissioners Davis, Nelder, Owens
ABSENT: Commissioners Giraudo, Sanchez

RESOLUTION NO. 626-87

THOMAS A. JOHNSON

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Thomas A. Johnson in the sum of $400.00 as a result of damages sustained, be, and the same is hereby approved.

Date of Incident: March 5, 1987

AYES: Commissioners Davis, Nelder, Owens
ABSENT: Commissioners Giraudo, Sanchez

RESOLUTION NO. 627-87

JOHN R. CUTTER

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of John R. Cutter in the sum of $220.31 as a result of damages sustained, be, and the same is hereby approved.

Date of Incident: November 28, 1986

AYES: Commissioners Davis, Nelder, Owens
ABSENT: Commissioners Giraudo, Sanchez

RESOLUTION NO. 628-87

DARCELLE VALOVICH

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Darcelle Valovich in the sum of $65.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: March 28, 1987

AYES: Commissioners Davis, Nelder, Owens
ABSENT: Commissioners Giraudo, Sanchez

RESOLUTION NO. 629-87

JAMES F. SULLIVAN

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of James F. Sullivan in the sum of $50.00 as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: January 9, 1987

AYES: Commissioners Davis, Nelder, Owens
ABSENT: Commissioners Giraudo, Sanchez

POLICE COMMISSION REPORT

Commissioner Nelder said that the Police Commission met this date in Executive Session in an Attorney Client conference under Brown Act and no vote was taken.

(a) PUBLIC COMMENTS

No public comments.

CHIEF'S REPORT TO THE POLICE COMMISSION

Chief Jordan said he wanted to update the Commission regarding the security at Candlestick Park that the Commission may have heard about in the past week. He said the Department is working closely with the Giants and particularly Corey Busch and Bob Lurie to step up first, to heighten the awareness of the problem out there. The Department is looking at increasing patrols, particularly Honda Patrols in the outside parking lots where the Department is trying to stop public innebriates from the tailgate parties as well as youngsters, teenagers particularly those under twenty-one (21) who are drinking alcoholic beverages before the games. He said the Department will issue citations to those and those who are unruly or obstructionist in someway or resisting they would be arrested immediately. He said they are also looking for any fans who are displaying those same characteristics in the stands and rather than just continuing to give them warnings they will be ejected the first time out. He said they are also asking the California Highway Patrol (CHP) to assist the Department after the games are over with additional patrols out on Highway 101 for any intoxicated drivers. He said this will be going on for the next few weeks and the Department will continue to monitor it.

POLICE COMMISSION REVIEW OF THE PROGRESS OF THE POLICE DEPARTMENT'S WILDERNESS ADVENTURE YOUTH PROGRAM OF THE COMMUNITY SERVICES DIVISION

Police Officers Walter Scott and Luis Duran of the Community Services Division gave the Commission an update on the Wilderness Plan. He said they started the program in 1981 with the main purpose in mind to build up a positive relationship with young people in San Francisco and the Police Officers who work the different beats and neighborhoods in the city. He said since 1981 they have had over 7000 young people go out and over 200 different officers go out with them. They then presented a slide show that elaborated on the program with voices of the youngsters who participated in the program and pictures of their two main activities which are back packing and an aerobics course.

Ms. Serena Fong, Teacher from James Lick Middle School said she took a whole class on this outing and all of the youngsters were very impressed.

Olga Marisa Limos, said she participated in the program in 1982, right after coming to this country from Guatemala.

Commissioner Nelder thanked the Officers and the speakers for their presentation and said on behalf of the Commission he wanted to urge them to continue the program and if there is anything the Commission can do to assist in their efforts with the program don't hesitate to come before them.

RESOLUTION NO. 620-87

RECOMMENDATION OF THE CHIEF THAT THE POLICE COMMISSION DENY MR. KWONG T. LEUNG A TAXICAB PERMIT

WHEREAS, Mr. Kwong T. Leung made application for a declaration by the Commission of Public Convenience and Necessity for the issuance of a permit to operate a taxicab in the City and County of San Francisco; and

WHEREAS, the hearing on the recommendation of the Chief of Police that the Police Commission deny a taxicab permit based on the applicant's failure to provide a change of address information as required by the Police Commission, was called; and

WHEREAS, Mr. Kwong T. Leung did not appear before the Commission and was not represented by counsel; and

WHEREAS, Mr. Kwong T. Leung was the next eligible Public Convenience and Necessity Applicant for a taxicab permit and letter addressed to him by the Permit Section was returned indicating "Forwarding Order Expired" and further efforts to locate his whereabouts by the Permit Section were unsuccessful; therefore be it

RESOLVED, that it is the decision of the Commission to deny a taxicab permit to Mr. Kwong T. Leung based on his failure to provide change of address information as required by the Police Commission policy.

AYES: Commissioners Davis, Nelder, Owens
ABSENT: Commissioners Giraudo, Sanchez

RESOLUTION NO. 621-87

RECOMMENDATION OF THE CHIEF TO ACCEPT THE REQUEST OF THOMAS C. MEHRTEN TO WITHDRAW HIS TAXICAB PERMIT APPLICATION

WHEREAS, Mr. Thomas C. Mehrten made a written request to withdraw his application for a declaration by the Commission of Public Convenience and Necessity for the issuance of a permit to operate a taxicab in the City and County of San Francisco; and

WHEREAS, the hearing on the recommendation of the Chief of Police that the Police Commission accept the request of Mr. Mehrten was called; and

WHEREAS, Mr. Thomas C. Mehrten or his representative did not appear before the Commission; and

WHEREAS, Mr. Thomas C. Mehrten is the next eligible Public Convenience and Necessity applicant; therefore be it

RESOLVED, that it is the decision of the Commission to accept the request of Mr. Mehrten withdrawing his application and eliminating his position on the taxicab eligibility list.

AYES: Commissioners Davis, Nelder, Owens
ABSENT: Commissioners Giraudo, Sanchez

RESOLUTION NO. 622-87

RECOMMENDATION OF THE CHIEF THAT THE POLICE COMMISSION GRANT A TAXICAB PERMIT TO YORK Y. TOBER

WHEREAS, York Y. Tober appeared at a Public Convenience and Necessity hearing held on Thursday, May 7, 1987; and

WHEREAS, the Commission determined at a Public Convenience and Necessity hearing on Thursday, May 7, 1987, based on the record received at that hearing, that clear and convincing evidence supported a finding that public convenience and necessity required the operation of a certain number of motor vehicle for hire permits; and

WHEREAS, prior to the emergence of Proposition K, there were approximately 711 taxicab permits in the City and County of San Francisco; and

WHEREAS, the Police Commission, pursuant to Resolution No. 283-84, dated March 29, 1984, has set the number at 761 taxicab permits for the City and County of San Francisco; therefore be it

RESOLVED, that York Y. Tober appearing before the Commission is qualified to hold a motor vehicle for hire permit, that said taxicab owner permit shall be granted and shall be revocable under criteria and standards published by the Commission in conjunction with applicable Sections of the San Francisco Municipal Code, and shall be and is hereby granted to York Y. Tober.

AYES: Commissioners Davis, Nelder, Owens
ABSENT: Commissioners Giraudo, Sanchez

HEARING OF POLICE OFFICER DENNIS M. COSTANZO, INGLESIDE STATION

The hearing of the disciplinary charges filed against Police Officer Dennis M. Costanzo, Ingleside Station, was called it having been set for this date. Police Officer Dennis M. Costanzo was charged with violating the Rules and Procedures as follows:

SPECIFICATION NO. 1

Failure to submit a sick certificate as required (violation of Rule VI, subsection C-1, of General Order D-8 of the San Francisco Police Department);

in a properly verified complaint by Frank M. Jordan, Chief of Police of the San Francisco Police Department.

Mr. Michael Gash, Attorney at Law, appeared on behalf of the San Francisco Police Department.

Police Officer Dennis M. Costanzo, appeared in person and was represented by Mr. Casimir Wilson, Attorney at Law.

An opening statement was made by Mr. Michael Gash for the Prosecution.

Mr. Casimir Wilson made an opening statement for the Defense. Mr. Wilson made a plea of guilty on behalf of his client, Officer Costanzo.

Lieutenant Thomas Murphy then gave a report on Officer Costanzo's participation in the Department's Stress Program under General Order D-4.

Commissioner Owens made a motion to accept the guilty plea made by Officer Costanzo and the motion was seconded by Commissioner Davis and unanimously approved.

Closing statements were then made by both the Prosecuting and Defense Attorneys.

Based on those findings, the Commission requested a recommendation from the Chief of Police Frank M. Jordan. It is the recommendation of the Chief of Police that for Specification No. 1, and in compliance with General Order D-4, Officer Costanzo be suspended for ninety (90) days, to be held in abeyance for 18 months as a condition on the Department's mandated program for rehabilitation.

The Commission took the matter under submission, recessed and returned, and the following resolution was adopted:

RESOLUTION NO. 623-87

DECISION - HEARING OF POLICE OFFICER DENNIS M. COSTANZO, INGLESIDE STATION

WHEREAS, on April 11, 1987, Frank M. Jordan, Chief of Police, made and served charges against Police Officer Dennis M. Costanzo as follows:

SPECIFICATION NO. 1

Failure to submit a sick certificate as required (violation of Rule VI, subsection C-1 of General Order D-8 of the San Francisco Police Department);

(1) At all times herein mentioned, Dennis M. Costanzo, Star No. 620, (hereinafter referred to as "the accused") was and is a Police Officer, employed by the San Francisco Police Department, assigned to the Golden Gate Division, Ingleside Station;

(2) As a police officer, the accused was and is responsible for knowing and obeying the rules, orders and procedures of the San Francisco Police Department;

(3) On or about December 5, 1985, the accused was found guilty by the Police Commission of charges arising from his arrest for driving while intoxicated and was sentenced to a sixty (60) days suspension and participation in the General Order D-4 diversion program;

(4) On or about December 4, 5 and 6, 1986, the accused failed to report for duty. An investigation revealed the accused had been drinking. However, the accused terminated his exposure to alcohol by checking into a detoxification program;

(5) On or about March 10, 11, 12 and 13, 1987, the accused requested that he be carried on sick leave and did not report for duty as scheduled;

(6) On or about March 13, 1987, Lieutenant Alan Mould, Star No. 1755, ordered the accused to obtain a sick certificate from his physician as required by Rule VI, subsection C-1, of General Order D-8 and deliver it to Ingleside Police Station by 1600 hours on March 13, 1987;

(7) The accused failed to deliver a sick certificate by 1600 hours on March 13, 1987, as ordered by Lieutenant Mould.

(8) A subsequent investigation by Lieutenant Mould revealed that the accused had checked into the Palm Avenue Detoxification Center as a result of a relapse to alcohol dependency;

(9) The accused, by failing to comply with the order of Lieutenant Mould and not delivering a sick certificate in the time required, has engaged in conduct which constitutes a violation of Rule VI, subsection C-1 of General Order D-8, of the San Francisco Police Department, which states in part:

"A sworn member unable to report for duty as the prescribed time as a result of illness, shall immediately report that fact to a superior officer, at the officers unit, and after being absent for three (3) consecutive working days because of such illness, forward without unreasonable delay, to his commanding officer a certificate by the treating licensed physician, ... stating the reason for such inability to report for duty...".

and

WHEREAS, a hearing on said charges was held before the Police Commission pursuant to Section 8.343 of the Charter of the City and County of San Francisco on Thursday, May 7, 1987, and on Thursday, May 7, 1987, the matter was submitted to the Police Commission for decision; and

WHEREAS, the Police Commission finds that the allegations contained in Specification No. 1, violation of Rule VI, subsection C-1, of General Order D-8 of the San Francisco Police Department, are sustained; therefore be it

RESOLVED, that based on these findings consistent with the Commission's duty to protect the health, safety and general welfare of the citizens of the City and County of San Francisco and the public in general, and in order to promote efficiency and good discipline in the San Francisco Police Department, the Commission orders that the following discipline be imposed:

Specification No. 1 [penaltv] In compliance with General Order D-4, 90 days suspension to be held in abeyance for 18 months, following the Department's mandated program,

and be it further

RESOLVED, that Lieutenant Tom Murphy, Personnel, and Lieutenant Allen Mould will submit periodic reports to the Chief and the Chief will keep the Commission apprised.

AYES: Commissioners Davis, Nelder, Owens
ABSENT: Commissioners Giraudo, Sanchez

Recess taken during the hearing of Officer Dennis M. Costanzo:

7:26 p.m. to 7:31 p.m.

(The entire proceedings were taken in shorthand form by Ms. Liz Carter, CSR.)

The meeting, thereafter, was adjourned at 9:00 p.m.

Lieutenant Willie E. Frazier
Secretary
THE POLICE COMMISSION

DOCUMENTS DEPT.

SEP 8 1987

SAN FRANCISCO
PUBLIC LIBRARY

Minutes

MAY 14, 1987 SPECIAL MEETING

The Police Commission of the City and County of San Francisco met in their chambers, Room 551, Hall of Justice, 850 Bryant Street on Thursday, May 14, 1987 at 1700 hours in a Special Meeting.

Commissioner Sanchez presiding.

AYES: Commissioners Giraudo, Nelder, Owens, Sanchez
ABSENT: Commissioner Davis

MAY 14, 1987 REGULAR MEETING

The Police Commission of the City and County of San Francisco met in their chambers, Room 551, Hall of Justice, 850 Bryant Street on Thursday, May 14, 1987 at 1730 hours in a Regular Meeting.

Commissioner Sanchez presiding.

AYES: Commissioners Giraudo, Nelder, Owens, Sanchez
ABSENT: Commissioner Davis

APPROVAL OF MINUTES OF MEETING OF MARCH 6, 1987

Approval of Minutes of Meeting of March 6, 1987, the Commissioners having received, approved, and returned copies of same.

APPROVAL OF CONSENT CALENDAR

Recommendation of the City Attorney for settlement of the following claims against City and County of San Francisco:

RESOLUTION NO. 636-87

NANCI CLINCH vs. CITY AND COUNTY OF SAN FRANCISCO, et al

RESOLVED, that the recommendation of the City Attorney for settlement of the litigation of Nanci Clinch in Superior Court No. 844-485 entitled "Nanci Clinch vs. City and County of San Francisco, et al" in the sum of $12,500.00 as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: March 24, 1985

AYES: Commissioners Giraudo, Nelder, Owens, Sanchez
ABSENT: Commissioner Davis

RESOLUTION NO. 637-87

ALLSTATE INSURANCE (PAPPADAKIS, RANDY ERVIN)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Allstate Insurance (Pappadakis, Randy Ervin) in the sum of $1,141.00 as a result of damages sustained, be, and the same is hereby approved.

Date of Incident: July 11, 1986

AYES: Commissioners Giraudo, Nelder, Owens, Sanchez
ABSENT: Commissioner Davis

RESOLUTION NO. 638-87

CHRISTOPHER J. HOLT vs. CITY AND COUNTY OF SAN FRANCISCO

RESOLVED, that judgment made for settlement of litigation of Christopher J. Holt vs. City and County of San Francisco, et al in the sum of $845.28 as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: June 22, 1986

AYES: Commissioners Giraudo, Nelder, Owens, Sanchez
ABSENT: Commissioner Davis

RESOLUTION NO. 639-87

LIBERTY MUTUAL (INS: GENERAL AUTO PARTS)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Liberty Mutual (Ins: General Auto Parts) in the sum of $394.86 as a result of damages sustained be, and the same is hereby approved.

Date of Incident: September 26, 1986

AYES: Commissioners Giraudo, Nelder, Owens, Sanchez
ABSENT: Commissioner Davis

RESOLUTION NO. 640-87

DEBORAH LEEDS

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Deborah Leeds in the sum of $100.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: April 14, 1987

AYES: Commissioners Giraudo, Nelder, Owens, Sanchez
ABSENT: Commissioner Davis

RESOLUTION NO. 641-87

HEIKKI M. ARVIO

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Heikki M. Arvio in the sum of $99.50 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: December 27, 1986

AYES: Commissioners Giraudo, Nelder, Owens, Sanchez
ABSENT: Commissioner Davis

RESOLUTION NO. 642-87

LENN CURLEY

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Lenn Curley in the sum of $99.50 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: April 17, 1987

AYES: Commissioners Giraudo, Nelder, Owens, Sanchez
ABSENT: Commissioner Davis

RESOLUTION NO. 643-87

CHARLES, HUIZENGA

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Charles, Huizenga in the sum of $98.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: April 8, 1987

AYES: Commissioners Giraudo, Nelder, Owens, Sanchez
ABSENT: Commissioner Davis

RESOLUTION NO. 644-87

ALEXANDRA KARAM

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Alexandra Karam in the sum of $76.50 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: April 7, 1987

AYES: Commissioners Giraudo, Nelder, Owens, Sanchez
ABSENT: Commissioner Davis

RESOLUTION NO. 645-87

THANG NGO

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Thang Ngo in the sum of $65.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: March 2, 1987

AYES: Commissioners Giraudo, Nelder, Owens, Sanchez
ABSENT: Commissioner Davis

RESOLUTION NO. 646-87

ABDUL RASHID PATEL

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Abdul Rashid Patel in the sum of $65.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: April 10, 1987

AYES: Commissioners Giraudo, Nelder, Owens, Sanchez
ABSENT: Commissioner Davis

RESOLUTION NO. 647-87

MAY LEONG-LEW

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of May Leong-Lew in the sum of $65.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: April 8, 1987

AYES: Commissioners Giraudo, Nelder, Owens, Sanchez
ABSENT: Commissioner Davis

RESOLUTION NO. 648-87

VINCENT CIRELLI

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Vincent Cirelli in the sum of $65.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: April 4, 1987

AYES: Commissioners Giraudo, Nelder, Owens, Sanchez
ABSENT: Commissioner Davis

RESOLUTION NO. 649-87

CAROL LEE BELO

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Carol Lee Belo in the sum of $65.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: April 7, 1987

AYES: Commissioners Giraudo, Nelder, Owens, Sanchez
ABSENT: Commissioner Davis

RESOLUTION NO. 650-87

MARLEN & HENRY MILLIGAN

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Marlen & Henry Milligan in the sum of $65.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: April 10, 1987

AYES: Commissioners Giraudo, Nelder, Owens, Sanchez
ABSENT: Commissioner Davis

RESOLUTION NO. 651-87

CHRIS MILLER

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Chris Miller in the sum of $65.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: April 8, 1987

AYES: Commissioners Giraudo, Nelder, Owens, Sanchez
ABSENT: Commissioner Davis

RESOLUTION NO. 652-87

TANDY LYNN CHOULJIAN

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Tandy Lynn Chouljian in the sum of $65.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: April 17 1987

AYES: Commissioners Giraudo, Nelder, Owens, Sanchez
ABSENT: Commissioner Davis

RESOLUTION NO. 653-87

KATHEREN MARY REEVE

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Katheren Mary Reeve in the sum of $65.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: April 18, 1987

AYES: Commissioners Giraudo, Nelder, Owens, Sanchez
ABSENT: Commissioner Davis

RESOLUTION NO. 654-87

DEBORAH CASE

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Deborah Case in the sum of $65.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: April 24, 1987

AYES: Commissioners Giraudo, Nelder, Owens, Sanchez
ABSENT: Commissioner Davis

RESOLUTION NO. 655-87

STANLEY A. CARROLL

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Stanley A. Carroll in the sum of $65.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: March 3, 1987

AYES: Commissioners Giraudo, Nelder, Owens, Sanchez
ABSENT: Commissioner Davis

RESOLUTION NO. 656-87

STACY M. HUNE

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Stacy M. Hune in the sum of $65.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: April 13, 1987

AYES: Commissioners Giraudo, Nelder, Owens, Sanchez
ABSENT: Commissioner Davis

RESOLUTION NO. 657-87

GEORGE REYNOLDS

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of George Reynolds in the sum of $65.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: April 18, 1987

AYES: Commissioners Giraudo, Nelder, Owens, Sanchez
ABSENT: Commissioner Davis

RESOLUTION NO. 658-87

ROBERT JAMES HANCE

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Robert James Hance in the sum of $65.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: April 16, 1987

AYES: Commissioners Giraudo, Nelder, Owens, Sanchez
ABSENT: Commissioner Davis

RESOLUTION NO. 659-87

RAFAEL VELASQUEZ

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Rafael Velasquez in the sum of $65.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: April 6, 1987

AYES: Commissioners Giraudo, Nelder, Owens, Sanchez
ABSENT: Commissioner Davis

RESOLUTION NO. 660-87

PETER CISZEWSKI

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Peter Ciszewski in the sum of $65.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: March 25, 1987

AYES: Commissioners Giraudo, Nelder, Owens, Sanchez
ABSENT: Commissioner Davis

RESOLUTION NO. 661-87

LARRY STUCKI

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Larry Stucki in the sum of $65.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: March 30, 1987

AYES: Commissioners Giraudo, Nelder, Owens, Sanchez
ABSENT: Commissioner Davis

RESOLUTION NO. 662-87

YELLOW CAB CO-OP, INC.

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Yellow Cab Co-op, Inc. in the sum of $65.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: April 13, 1987

AYES: Commissioners Giraudo, Nelder, Owens, Sanchez
ABSENT: Commissioner Davis

PUBLIC COMMISSION REPORT

Commissioner Sanchez announced that the Police Commission met in Closed Session this afternoon pertaining to an Attorney Client Conference and no vote was taken. Commissioner Owens reported that this week on Tuesday night she was invited to the Joseph Lee Community Center, on behalf of the Commission, to give an overview as to the function of the Commission, its administrative responsibilities, and, she said, she responded to questions that people in attendance had. She said all in attendance indicated they were quite pleased with her participation and were happy that she had taken the time to meet with Community members. She said she would encourage her colleagues to do the same and that she plans on continuing doing that same kind of thing in other communities.

Commissioner Giraudo said that on Tuesday afternoon at Noon he attended, with Chief Jordan and others, the School Safety Patrol Anuual Review, their 64th, and it was a Grand Event. He said their were some sixty (60) schools represented and, he said, it was really a great experience for him to meet all of the people who were responsible for the School Safety Program and to be educated to the fact that since the institution of the School Safety Patrol System in San Francisco there has never been a major accident or any bodily injury vis-a-vis a vehicular accident at any crosswalks or areas that have been patrolled by the School Safety Patrol. He said he was honored to be there, he feels very good about the program and is very happy that the Department supports it the way it does and has organized it in such a good fashion.

(a) PUBLIC COMMENTS

No public comment was made at this time.

CHIEF'S REPORT TO THE POLICE COMMISSION

Chief Jordan said he had no items to report other than the same one that Commissioner Giraudo brought up. As an addendum, he said, he would like to publicly thank Sergeant Fred Pardella from the School Safety Patrol and his Staff for, again, the excellent work during the past year and to thank Commissioner Giraudo for being in attendance at that particular meeting. He said it worked out very well for both the public, the private and the parochial schools. He said there were 2,000 youngsters present so it was a well attended and a well received program.

RESOLUTION NO. 632-87

HEARING OF THE DISCIPLINARY CHARGES FILED AGAINST PATROL SPECIAL OFFICER ELBERT TAYLOR, RICHMOND POLICE DISTRICT

WHEREAS, the hearing of Patrol Special Officer Elbert Taylor, Richmond Police District, was called it having been set for this date; and

WHEREAS, it was requested by Mr. Jerry Akins, Attorney at law representing the San Francisco Police Department, that the hearing be continued to June 25, 1987; therefore be it

RESOLVED, that the date for the hearing of the disciplinary charges filed against Patrol Special Officer Elbert Taylor, Richmond Police District, be, and the same is hereby continued to Thursday, June 25, 1987 at 1730 hours in Room 551, Hall of Justice.

AYES: Commissioners Giraudo, Nelder, Owens, Sanchez
ABSENT: Commissioner Davis

RESOLUTION NO. 635-87

HEARING OF THE DISCIPLINARY CHARGES FILED AGAINST POLICE OFFICER DEBORAH FRANKS, POTRERO STATION

WHEREAS, the hearing of Police Officer Deborah E. Franks, Potrero Station, was called it having been set for this date; and

WHEREAS, it was requested by Mr. Michael Gash, Attorney at Law representing the San Francisco Police Department, that the hearing be continued to July 16, 1987; therefore be it

RESOLVED, that the date for the hearing of the disciplinary charges filed againt Police Officer Deborah E. Franks, be and the same is hereby continued to Thursday, July 16, 1987 at 1730 hours in Room 551, Hall of Justice.

AYES: Commissioners Giraudo, Nelder, Owens, Sanchez
ABSENT: Commissioner Davis

RESOLUTION NO. 631-87

NOTIFICATION AND FILING OF CHARGES AGAINST PATROL SPECIAL OFFICER ALBERT L. ROBLES

WHEREAS, charges of violating the Rules and Procedures of the San Francisco Police Department were filed against Patrol Special Officer Albert L. Robles, Central Police District, as follows:

SPECIFICATION NO. 1

Engaging in conduct which reflects discredit upon the Department (violation of Section 2.13 of the Rules and Procedures of Patrol Special Officers and Assistant Patrol Special Officers of the San Francisco Police Department);

SPECIFICATION NO. 2

Engaging in conduct which reflects discredit upon the Department (violation of Section 2.13 of the Rules and Procedures of Patrol Special Officers and Assistant Patrol Special Officers of the San Francisco Police Department).

by Frank M. Jordan, Chief of Police, San Francisco Police Department; therefore be it

RESOLVED, that the date for the setting of the hearing of the disciplinary charges filed against Patrol Special Officer Albert L. Robles, Central Police District, is scheduled for Thursday, May 21, 1987 at 5:30 p.m. at Room 551, Hall of Justice.

AYES: Commissioners Giraudo, Nelder, Owens, Sanchez
ABSENT: Commissisoner Davis

REQUEST OF THE CHIEF OF POLICE FOR APPROVAL OF SUPPLEMENTAL APPROPRIATION AMOUNTING TO $993,000 TO TRANSFER FUNDS FROM PERMANENT SALARIES AND MANDATORY FRINGES TO DIFFERENTIAL PAY, TEMPORARY SALARIES, OVERTIME AND HOLIDAY PAY

Deputy Chief Willis Casey addressed the Commission on this item and said that last year during the Budgetary Process a million dollars was cut from the Department's normal overtime budget in the hopes that it could be made up from other sources. He said this proved not to be the case. He said, as a result, the Department has run short in the overtime fund but the Department is able to take it from the regular salary fund so there is no request for new monies it is only a request to transfer it from one account to the other.

Commissioner Nelder then said that since this is only a bookkeeping measure, he would make a motion to approve it. Commissioner Owens seconded and it was unanimously approved.

RESOLUTION NO. 633-87

REQUEST OF THE CHIEF FOR APPROVAL OF SUPPLEMENTAL APPROPRIATION AMOUNTING TO $993,000 TO TRANSFER FUNDS FROM PERMANENT SALARIES AND MANDATORY FRINGES TO DIFFERENTIAL PAY, TEMPORARY SALARIES, OVERTIME AND HOLIDAY PAY

RESOLVED, that the Police Commission hereby approves a request for a reappropriation of $993,000 from Permanent Salaries-Miscellaneous ($20,000), Permanent Salaries-Uniformed ($846,000), Mandatory Fringe Benefits ($127,000) to prevent projected deficits in Differential Pay ($45,000), Temporary Salaries ($20,000), Overtime ($801,000) and Holiday Pay ($127,000).

AYES: Commissioners Giraudo, Nelder, Owens, Sanchez
ABSENT: Commissioner Davis

REQUEST OF THE CHIEF OF POLICE THAT THE POLICE COMMISSION AUTHORIZE THE CHIEF TO ENTER INTO AN AGREEMENT OF COOPERATION WITH THE EXECUTIVE DIRECTOR OF THE REAL ALTERNATIVE PROGRAM AND THE DIRECTOR OF THE CALLES YOUTH PROJECT

Sergeant Troy Dangerfield appeared on this item and said he would recommend that the Commission approve this request to enter into this contract. He said for the past several years this agency has worked very closely with the various district stations and with Community Services. He said he felt it is a very worthwhile organization and would strongly recommend approval.

Commissioner Nelder then moved approval, Commissioner Owens seconded.

Commissioner Sanchez said he would just like to speak very favorable to the recommendation also. He said there is a Memorandum of Understanding which was signed about six years ago and is in continuation after evaluation of its services. He said the organization has really made a unique impact in working with the community and many of the City's Youth Groups. The motion was then unanimously approved.

RESOLUTION NO. 634-87

REQUEST OF THE CHIEF TO ENTER INTO AN AGREEMENT OF COOPERATION WITH THE CALLES YOUTH PROJECT OF THE REAL ALTERNATIVE PROGRAM

WHEREAS, the Calles Youth Project and the San Francisco Police Department wish to formalize an agreement of cooperation, and

WHEREAS, the Calles Youth Project provides mobile assistance service aimed at the prevention of street violence, and

WHEREAS, the Calles Youth Project is part of the Real Alternative Program; now therefore be it

RESOLVED, that the Police Commission authorizes the Chief of Police to enter into an agreement of cooperation with the Executive Director of the Real Alternative Program and the Director of the Calles Youth Project.

AYES: Commissioners Giraudo, Nelder, Owens, Sanchez
ABSENT: Commissioner Davis

REQUEST OF THE CHIEF OF POLICE THAT THE POLICE COMMISSION RECOMMEND THE MAYOR REQUEST AN INCREASE IN FUNDING FOR THE AUDITOR/MONITOR IN THE FISCAL YEAR 1987-88 BUDGET

Deputy Chief Casey said that the Consent Decree funding of the Auditor Monitors Office is now under the Police Department and that Office has requested an increase in funds and what the Department is now doing is passing on this request from the Auditor Monitor to the Mayor. Commissioner Nelder then made a motion for approval, Commissioner Giraudo seconded and it was unanimously approved.

RESOLUTION NO. 630-87

REQUEST FOR AN INCREASE IN FUNDING FOR THE AUDITOR/MONITOR IN THE FISCAL YEAR 1987-88 BUDGET

WHEREAS, the City and County of San Francisco is responsible for the funding of a contract between itself and the Federal Court's Auditor/Monitor, and;

WHEREAS, the City and County of San Francisco has placed funding for that contract in the Budget of the San Francisco Police Department, and;

WHEREAS, the Auditor/Monitor has been funded at $206,101 for Fiscal Years 1985-86 and 1986-87, and;

WHEREAS, that same amount has been requested in the Police Department's 1987-88 Budget, and;

WHEREAS, the Auditor/Monitor is requesting $220,528; be it therefore

RESOLVED, that the Police Commission hereby recommends that the Mayor request that the Police Department's Budget be increased by $14,427 so that funding for the Auditor/Monitor be increased from $206,101 to $220,528.

AYES: Commissioners Giraudo, Nelder, Owens, Sanchez
ABSENT: Commissioner Davis

STATUS REPORT ON PETITION OF RESIDENTS, BUSINESS OWNERS, EMPLOYEES, SHOPPERS AND VISITORS REQUESTION REPLACEMENT OF FOOTBEAT OFFICER IN THE POLK-GEARY AREA

Ms. Mary Ellen Smith said the item on the agenda is incorrect in that they were not asking for the replacement of the beat cop they were asking for increased beat cop coverage.

She said a follow-up that her group conducted as opposed to one done in December and taken just ten days ago, finds that there is only 5% difference from that time revealing that the citizens perception of the beat cop in the area is about 80% that they are not there doing the job. She said some areas are so bad that businesses are leaving and it is beginning to look like a bombed out zone. She said if people are getting mugged then no one can tell her that the area where that is happening cannot be taken care of by more police presence. She said why can't they have the officers circulate in their area to the trouble spots several times a day and let the other trouble spots receive less attention. She said they, as yet, don't have an answer to that, they have consistently come to the Commission and asked for the same thing. They, she said, have shown the Commission by their questionaires and by their surveys that coverage in the area is not, as yet, a satisfactory situation. Ms. Betty White, also a member of the group, then came forth and read three letters which she then handed over to the Secretary to the Commission for perusal of the Commission. The letters all echoed the same complaint as Ms. Smith.

The next speakers were Michael Shafen and Jessie Reeves, who also related the same kinds of problems as Ms. Smith.

Captain Thomas O'Donnell, Commanding Officer of Norther Station then responded to the previous speakers statements. He went through a history of what had taken place in this matter since it was brought to the attention of the Commission. He then commented on a number of items that were mentioned by Ms. Smith. He said the visibility of the officers was one in which quite a few people on the beat saw them and quite a few did not see them. He said he found it interesting in that there were no returns on Ms. Smith's survey from anyone who lived on the beat on Eddy or Ellis Streets which is a busy part of the beat.

He said the Station's 37 car which is the prostitution car has made approximately forty-three (43) prostitution arrests since March 1st in the Beat 42 area. He said his people are working with the Officers from the Narcotics Division regarding the drug problem in McCauley Park. He said at least one day a week they are detailing teams to the area of Beat 42 for investigation and to make arrest. Captain O'Donnell said obviously there is crime in the area but it is being addressed. He then pointed to two Officers from his station in attendance and said since January 1st they have made 157 arrests, 254 criminal citations were issued in addition to over 100 arrested for being drunk. He said there were four guns and seven knives confiscated and the Officers also issued over 2000 parking citations. He said in his opinion there has been a big improvement. He said he and his Staff and other Police Staff as designated by the Chief will continue to meet with the residents to address their problems.

Commissioner Nelder then said he wanted to address himself to Ms. Mary Ellen Smith and all of the people from the Polk area that came tonight. He said the Commission had a great concern and that this group does have the problems in the area and that is why the Commission has these periodic status reports offered here at the Police Commission. He said the Captain has outlined the numbers of arrest at 157 which is an awful lot of arrest and none are very pretty so therefore each one indicates that there is action taken by the Officers and the very fact that the Captain, Sergeant Michael Lawson and the Beat Officers are here today shows you that the Department has a great concern and will continue to have a great concern until the matter is cleaned up in that neighborhood.

Commissioner Giraudo said that he would like to comment in that he did a four hour ride along with Sergeant Lawson, who is here this evening, in the area and in the District and specifically asked him questions in respect to the concerns that have been expressed by Ms. Smith's group. The Commissioner said he was most impressed by what he saw as coverage in that area and that if he had had that much coverage in the area in which he lives, his home would not have been burglarized twice in the last two months. He said he was most impressed by the concerns that have been shown by the various officers that he met that evening and by the coverage that evening. He said thereafter he went on his own and walked the area and again was most impressed by the police presence. He said what he learned that evening is that there is a dedication and that there is a real concern for those things that Ms. Smith's group has expressed and he felt there is a 100% effort on the part of the police department to answer those concerns that Ms. Smith's group has. He said he did not feel that it would ever achieve perfection but he feels that what he saw that night is the closest thing that he has seen in all of the ride alongs and the walking in the districts that he has done. He said he would just like to commend the efforts that are being made despite the fact of what Ms. Smith may be thinking for he felt the Officers at the Station in that area are doing a darn good job.

Chief Frank Jordan said that Beat 42 is one of the highest priority beats in San Francisco. He said that is one of the very few in the entire city that has two police officers assigned to cover it both in the day time and in the evening. He said while he realizes it does not satisfy all of the concerns he is a little frustrated to hear all negative comments and nothing positive at all even with all of the positive work the officers did go out there. He said he did want to commend them for that and that it is obvious that they are out there everyday and some people are seeing them and some are not. He said the Department does not have a total solution nor may it ever have a total solution but they will continue to work with Ms. Smith and continue to look at the issues and the problems on a daily basis and, he, on a personal basis since the last meeting, has been out there on five different occasions looking at Beat 42 and have seen the officers out there and he feels that the Officers do an excellent job.

Ms. Smith said she certainly did not want to imply that the Officers were not satisfactory she said that all of her committee people know them and feel that they are very good and very professional. She said what they do find frustrating however is being told that there is no solution.

Officer Quinn then spoke on behalf of himself and Officer Williams as both are the beat men in the area.

Commissioner Nelder then said he would make a motion that this matter be calendared once again in 90 days for a status report. Commissioner Giraudo seconded and it was unanimously approved to be calendared on September 10th.

PUBLIC DISCUSSION REGARDING THE STUDY AND REPORT ON PUBLIC CONVENIENCE AND NECESSITY FOR THE ISSUANCE OF TAXICAB PERMITS IN THE CITY AND COUNTY OF SAN FRANCISCO

Commissioner Sanchez said on this item everyone is aware that there are only three Commissioners available which is a quorum and of course the Commission will proceed pertaining to the Public Discussion regarding the Study and Report on Public Convenience and Necessity for the issuance of Taxicabs. He said since that report was made available the Commission has received a number of outstanding letters, documents, studies, basically rebuttals etc. regarding the report. He said many have called the Commission Office asking for an opportunity to speak and the response has been there will be an opportunity to speak. He said the Commission is not going to have its final deliberations this evening pertaining to this matter, this is really the forum for all of those interested parties to share with the Commission their responses to the report of the Chief of Police and Department. He said at this point approximately fifty (50) people have signed up to speak. He said everyone will probably be asked to stick to a three minute presentation. He said some people are here thinking the Commission will close discussion and issue a vote but the Commission will not vote on this matter this evening. He said it will probably be scheduled for final deliberations and vote thirty (30) days from today. He said this will give the Commission adequate time to review all of the materials, to listen again to all of your recommendations and also to look at other studies that have been generated from other parts of the country and then the Commission's recommendation pertaining to Public Need and Necessity and any additional changes the Commission accepts pertaining to the Department's Taxi Cab Rules and Regulations.

The speakers on the issue were as follows:

Harold Muscat	Rua Graffis	Art Josue
Al Hall	G. A. Levicky	Jerry Smith
Newell Hayward	Hadi Yassin	Arthur Lembke
David Frankel	W. Blake Derby	Steven Diaz
Sean O'Falahee	Mike Sealey	
Mark Giorgi	Patrick McGuire	

(The entire contents of this subject has been transcribed by Ms. Anita Weinert, CSR and is on file in the Police Commission Office.)

After listening to the named speakers the Commission continued the Hearing on this issue on May 28th and adjourned at 9:30 p.m.

Lieutenant Willie E. Frazier
Secretary
THE POLICE COMMISSION

DOCUMENTS DEPT.

SEP 8 1987

SAN FRANCISCO
PUBLIC LIBRARY

MAY 21, 1987 SPECIAL MEETING

The Police Commission of the City and County of San Francisco met in their chambers, Room 551, Hall of Justice, 850 Bryant Street on Thursday, May 21, 1987 at 1700 hours in a Special Meeting.

Commissioner Sanchez presiding.

AYES: Commissioners Giraudo, Nelder, Owens, Sanchez
ABSENT: Commissioner Davis

MAY 21, 1987 REGULAR MEETING

The Police Commission of the City and County of San Francisco met in their chambers, Room 551, Hall of Justice, 850 Bryant Street on Thursday, May 21, 1987 at 1730 hours in a Regular Meeting.

Commissioner Sanchez presiding.

AYES: Commissioners Giraudo, Nelder, Owens, Sanchez
ABSENT: Commissioner Davis

APPROVAL OF MINUTES OF MEETING OF MARCH 12, 1987

Approval of Minutes of Meeting of March 12, 1987, the Commissioners having received, approved and returned copies of same.

APPROVAL OF CONSENT CALENDAR

Recommendation of the City Attorney for settlement of the following claims against City and County of San Francisco:

RESOLUTION NO. 671-87

CATHERINE MOSS vs. CITY AND COUNTY OF SAN FRANCISCO, et al

RESOLVED, that the recommendation of the City Attorney for settlement of the litigation of Catherine Moss in Superior Court No. 838-178 entitled "Catherine Moss vs. City and County of San Francisco, et al" in the sum of $32,000.00 as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: February 8, 1985

AYES: Commissioners Giraudo, Nelder, Owens, Sanchez
ABSENT: Commissioner Davis

RESOLUTION NO. 672-87

CLARENCE GALTNEY vs. CITY AND COUNTY OF SAN FRANCISCO, et al

RESOLVED, that the recommendation of the City Attorney for settlement of the litigation of Clarence Galtney in Superior Court No. 865-303 entitled "Clarence Galtney vs. City and County of San Francisco, et al" in the sum of $11,000.00 as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: March 4, 1986

AYES: Commissioners Giraudo, Nelder, Owens, Sanchez
ABSENT: Commissioner Davis

RESOLUTION NO. 673-87

AZIZEH ARBEED vs. CITY AND COUNTY OF SAN FRANCISCO, et al

RESOLVED, that settlement reached in the claim of Azizeh Arbeed vs. City and County of San Francisco, et al in the sum of $6,500.00 as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: August 1, 1986

AYES: Commissioners Giraudo, Nelder, Owens, Sanchez
ABSENT: Commissioner Davis

RESOLUTION NO. 674-87

CALIFORNIA STATE AUTO ASSOCIATION (INS: ANTHONY PULVIRENTI)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of California State Automobile Association (Insured: Anthony Pulvirenti) in the sum of $485.21 as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: October 28, 1986

AYES: Commissioners Giraudo, Nelder, Owens, Sanchez
ABSENT: Commissioner Davis

RESOLUTION NO. 675-87

FARMERS INSURANCE CO. (INS: CHIU NGOW)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Farmers Insurance Company (Insured: Chiu Ngow) in the sum of $353.74 as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: November 13, 1986

AYES: Commissioners Giraudo, Nelder, Owens, Sanchez
ABSENT: Commissioner Davis

RESOLUTION NO. 676-87

GEICO INSURANCE COMPANY (INS: WILLIAM MERCARDO)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of GEICO Insurance Company (Insured: William Mercardo) in the sum of $329.55 as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: December 12, 1986

AYES: Commissioners Giraudo, Nelder, Owens, Sanchez
ABSENT: Commissioner Davis

RESOLUTION NO. 677-87

MARY JANE EVANS

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Mary Jane Evans in the sum of $142.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: April 6, 1987

AYES: Commissioners Giraudo, Nelder, Owens, Sanchez
ABSENT: Commissioner Davis

RESOLUTION NO. 678-87

PHYLLIS GOLDBECK

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Phyllis Goldbeck in the sum of $88.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: April 13, 1987

AYES: Commissioners Giraudo, Nelder, Owens, Sanchez
ABSENT: Commissioner Davis

RESOLUTION NO. 679-87

JEANNE IVANHOE

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Jeanne Ivanhoe in the sum of $80.50 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: April 9, 1987

AYES: Commissioners Giraudo, Nelder, Owens, Sanchez
ABSENT: Commmissioner Davis

RESOLUTION NO. 680-87

BETH LaDOVE

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Beth LaDove in the sum of $76.50 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: April 17, 1987

AYES: Commissioners Giraudo, Nelder, Owens, Sanchez
ABSENT: Commissioner Davis

RESOLUTION NO. 681-87

KAREN KRAMER

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Karen Kramer in the sum of $76.50 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: March 24, 1987

AYES: Commissioners Giraudo, Nelder, Owens, Sanchez
ABSENT: Commissioner Davis

RESOLUTION NO. 682-87

MARCIA WHITTIER

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Marcia Whittier in the sum of $73.50 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: April 14, 1987

AYES: Commissioners Giraudo, Nelder, Owens, Sanchez
ABSENT: Commissioner Davis

RESOLUTION NO. 683-87

YELLOW CAB CO-OP, INC

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Yellow Cab Co-Op, Inc. in the sum of $65.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: April 23, 1987

AYES: Commissioners Giraudo, Nelder, Owens, Sanchez
ABSENT: Commissioner Davis

RESOLUTION NO. 684-87

KAREN A. PARK

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Karen A. Park in the sum of $65.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: April 21, 1987

AYES: Commissioners Giraudo, Nelder, Owens, Sanchez
ABSENT: Commissioner Davis

RESOLUTION NO. 685-87

HOWARD CHOW

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Howard Chow in the sum of $65.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: April 23, 1987

AYES: Commissioners Giraudo, Nelder, Owens, Sanchez
ABSENT: Commissioner Davis

RESOLUTION NO. 686-87

MARION FALLS

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Marion Falls in the sum of $65.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: April 3, 1987

AYES: Commissioners Giraudo, Nelder, Owens, Sanchez
ABSENT: Commissioner Davis

RESOLUTION NO. 687-87

EDUARDO ANDURAY

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Eduardo Anduray in the sum of $65.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: February 23, 1987

AYES: Commissioners Giraudo, Nelder, Owens, Sanchez
ABSENT: Commissioner Davis

RESOLUTION NO. 688-87

JUNIOR C. GERTSCH

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Junior C. Gertsch in the sum of $65.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: April 9, 1987

AYES: Commissioners Giraudo, Nelder, Owens, Sanchez
ABSENT: Commissioner Davis

RESOLUTION NO. 689-87

DELLA DAVIDSON

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Della Davidson in the sum of $65.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: April 12, 1987

AYES: Commissioners Giraudo, Nelder, Owens, Sanchez
ABSENT: Commissioner Davis

RESOLUTION NO. 690-87

OCTAVIO CARO

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Octavio Caro in the sum of $65.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: April 23, 1987

AYES: Commissioners Giraudo, Nelder, Owens, Sanchez
ABSENT: Commissioner Davis

RESOLUTION NO. 691-87

WEE B. AW

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Wee B. Aw in the sum of $65.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: March 13, 1987

AYES: Commissioners Giraudo, Nelder, Owens, Sanchez
ABSENT: Commissioner Davis

POLICE COMMISSION REPORT

Commissioner Sanchez said that under the Police Commission Report this evening the Commission received from the Director of Office of Citizen Complaints (OCC) a letter to the Commission whereby Director Frank J. Schober, Jr. is submitting his resignation. At this point he said he was asking that the Commission move to accept the resignation and the Commission thereafter will proceed accordingly, however, he said, before there is a motion made he would like to state that Director Schober has worked for the past two and one half years in a very complex process, that he has done his job well, has made a number of significant changes pertaining to the overall process and procedure of the OCC and the Commission also wishes him well in his new endeavors. He said in the interim period, Dan silva, who is the Executive Assistant Director of OCC, will carry out all administrative duties pertaining to the daily administrative process and procedure of the Office of Civilian Complaints. The Office, he said, will be fully operational and the Commission will work closely with it to review the total process and procedure which will be institutionalized pertaining to a process for a national search for a future Director of OCC. Commissioner Owens said she would make the motion to approve the acceptance of Director Schober's letter of Resignation.

Commissioner Nelder said he would second that motion and he wanted to say that he regretted seeing Director Schober submit this resignation because he (Commissioner Nelder) felt by and large Mr. Schober had made some significant improvements in the two and one half years that he has been in charge. He said Mr. Schober took on a very difficult task and has now become, so to speak, a victim of circumstances. He said Mr. Schober had to make the decision as to whether he wanted to stay or resign and he chose to resign, and, the Commissioner said, he wished him well in whatever future endeavor he should happen to pursue.

Commissioner Giraudo said he personally did not believe that this Commission felt, during the course of his tenure on the Commission, that Mr. Schober was doing a good job. He said he believes that part of that blame, or if there was a deficit in his performance, falls with himself as a Commissioner with respect to the leadership and guidance that any employee of any institution or any business should receive. He said everyone can speak to the Budgetary limitations and the other limitations the Charter put on Mr. Schober as Director and on the OCC as an Institution, but he said, he also believed, he and his fellow colleagues on the Commission must look, with respect to the future at what the Commission has done in the past and what it has done or didn't do in terms of providing that man with the leadership and direction that he needed. He said, he too, regretted Mr. Schober's resignation and was sorry that it had to come in the climate that it did and he dared say that if he and his colleagues as a Commission do not take up the issues that face the OCC today and will face them tomorrow that the next Director will be in no better shape than Mr. Schober is today. He said he cast no blame on anybody but himself as a Commissioner and he would hope that he is more responsive in the future with respect to the job of Director of OCC and its Staff so that the Commission can keep better tabs on what is going on with that particular agency that is directly under this Commission. So, he said, he extends his well wishes to Mr. Schober and he was sorry that Mr. Schober had to resign under the pressure that he did and if there is any blame that has been cast by the press, the Newspapers, the Media, I, he said, think that he has to share in the blame because of the fact that he felt that the man was not given the necessary and proper direction that he deserved.

Commissioner Owens said that she just wanted to say that she concurred with her colleagues in that she felt that as a body, the Commission is responsible for the leadership of the OCC and she did not feel that the Commission gives all that it could and she as a Commissioner plans to pursue that with the new Director and make sure that takes place and that a plan is set forth and that the Commission takes the responsibility to see that the plan is implemented. She said she wished Mr. Schober the best and this as it happened, is an unfortunate occurrence.

Commissioner Sanchez said he would just like to share a brief few comments that he felt Commissioner Owen Davis would have shared if he were here this evening because, he along with Commissioner Owens, were involved in the oversight review of the OCC. However, he said, there has been some significant procedures and reviews which are in the process of being considered by the full Commission. He said the Mayor has also informed the Commission pertaining to a number of areas the Commission will be looking at. He said he believed this letter from the Mayor was dissiminated to the Press this morning which the Commission received today and will be reviewing it and making some specific recommendations along with assigning a couple of Commissioners to work with the Mayor's Office and her Staff to insure that basically the Proposed Charter Revision of the OCC Budgetary Cap and other areas are clarified to provide adequate support to insure that the Office of Civilian Complaints does have the resources, the training and the overall focus to insure that police services in San Francisco remain the highest of standards according to the Commission's committment to the service. Thereafter the motion for acceptance of Mr. Schober's resignation was unanimously approved.

RESOLUTION NO. 698-87

RESIGNATION OF FRANK J. SCHOBER, JR., DIRECTOR, OFFICE OF CITIZEN COMPLAINTS

WHEREAS, Mr. Frank J. Schober, Jr. submitted a letter dated May 20, 1987 to the Commission stating his decision to resign from the position as Director of the Office of Citizen Complaints and asking the Commission to accept his resignation effective July 1, 1987; therefore be it

RESOLVED, that the Police Commission hereby accepts the resignation of Mr. Frank J. Schober, Jr. effective July 1, 1987.

AYES: Commissioners Giraudo, Nelder, Owens, Sanchez
ABSENT: Commissioner Davis

(a) PUBLIC COMMENTS

No public comments were made at this time.

CHIEF'S REPORT TO THE POLICE COMMISSION

Chief Frank Jordan said he had one report he would like to present to the Commission at this time. He then called upon Lieutenant John Newlin and Mr. Jerry Robbins from the Department of City Planning to present to the Commission a time frame video of some of the downtown corridors relating to the parking congestion and traffic flow occurring six (6) months ago as opposed to recent occurrences.

Lieutenant Newlin said they wanted to show the Commision these videos in connection with Traffic Awareness week which begins next week along with the anticipated hiring of fifty (50) new Parking Controllers and explain what the Department's thrust is going to be from the Traffic Divison which is selective enforcement based on quality enforcement. They then showed some time lapsed photography of before and after studies under which they identified certain violations and certain methods of peoples' driving habits that create major congestion. The Lieutenant said they targeted those areas and the specific violation and the results speak for themselves.

After reviewing the time lapse Video Photography, the Commission thanked Lieutenant Newlin and Mr. Robbins and proceeded on with the next item.

PUBLIC HEARING ON NEW DEPARTMENT GENERAL ORDER J-4, "FALSE ALARM RESPONSE AND ABATEMENT"

Deputy Chief Willis Casey addressed the Commission on this subject and said that this Order is a housekeeping measure and has been a Special Order for the last three years. He said there has been no changes in it and what the Department is doing now is making it a General Order so that one will not have to be put out every year.

Commissioner Nedler said he would make a motion for approval, Commissioner Owens seconded and it was unanimously approved.

RESOLUTION NO. 666-87

NEW DEPARTMENT GENERAL ORDER J-4, "FALSE ALARM RESPONSE AND ABATEMENT"

RESOLVED, that the Police Commission hereby approves Department General Order J-4, "False Alarm Response and Abatement".

AYES: Commissioners Giraudo, Nelder, Owens, Sanchez
ABSENT: Commissioner Davis

RECOMMENDATION OF THE CHIEF OF POLICE THAT THE POLICE COMMISSION ADOPT A RESOLUTION FOR "PROPOSED FEE FOR METALLIC TAXICAB MEDALLIONS"

Police Officer Lamont Suslow of the Department's Permit Section made the presentation on this item and said that pursuant to Section 1135.2.1 of the Police Code the Commission is authorized to set a fee to charge for taxi medallions on an annual basis. He said a report by the Permit Section has been prepared and submitted to the Chief and subsequently to the Commission asking that the Commission set the fee at $6.00 for this current year, July 1, 1987 to June 30, 1988.

Commissioner Nelder said he would make a motion to approve, Commissioner Giraudo seconded and it was unanimously approved.

Commissioner Sanchez said that there have been other cities that charge a substantially higher processing fee for the Medallions. Some, he said, go for as much as $225.00. He said he thinks they incorporate what is called administrative overhead as far as Staff time, cost of reproduction, phone time, etcetera. He said he was raising this, this time, as he does every year and now the cost are all up 20%. He said it is his feeling that somewhere someway the Department is going to have to generate some additional dollars to support for this detail which is so important and which the Commission has spent so much time on pertaining to the issuance and Inspection of Permits which is part of Chief's Taxicab Rules and Regulations.

RESOLUTION NO. 667-87

RECOMMENDATION OF THE CHIEF THAT THE POLICE COMMISSION ADOPT A RESOLUTION FOR PROPOSED FEE FOR METALLIC TAXICAB MEDALLIONS FOR THE PERIOD 07/01/87 TO 06/30/88 - APPROVED

WHEREAS, the Police Commission is the authority, under Section 1135.2.1. of the Police Code, for the setting of the annual fee for metallic taxicab medallions; and

WHEREAS, the Police Department has submitted a metallic taxicab medallion cost analysis indicating the cost of production and issuance of the metallic taxicab medallions; therefore be it

RESOLVED, that the Police Commission hereby establishes a fee of $6.00 for the period July 1, 1987 to June 30, 1988 for each metallic taxicab medallion issued by the San Francisco Police Department to every taxicab permit holder.

AYES: Commissioners Giraudo, Nelder, Owens, Sanchez
ABSENT: Commissioner Davis

RESOLUTION NO. 668-87

RECOMMENDATION OF THE CHIEF THAT THE POLICE COMMISSION CONDUCT A HEARING IN THE MATTER OF LUXOR CAB CO. INDICATING THAT LUXOR HAS VIOLATED APPENDIX F, SECTION 5, SUBDIVISION (a) OF THE CHARTER OF THE CITY AND COUNTY OF SAN FRANCISCO (CONTINUED FROM MEETING OF APRIL 30, 1987)

WHEREAS, the date for the hearing on the recommendation of the Chief of Police that the Police Commission conduct a hearing in the matter of Luxor Cab Company indicating that Luxor has violated Appendix F, Section 5, Subdivision (a) of the Charter of the City and County of San Francisco, was called it having been continued from the meeting of April 30, 1987, and

WHEREAS, Mr. Lawrence Wilson, Attorney at Law, appeared for the San Francisco Police Department, and

WHEREAS, Mr. Wayne Canterbury, Attorney at Law, appeared on behalf of Luxor Cab Company; and

WHEREAS, opening statements were made by Mr. Wayne Canterbury for Luxor Cab Company and Mr. Lawrence Wilson for the San Francisco Police Department, and

WHEREAS, Luxor Cabs has sought a ruling from the Commission acknowledging that Luxor Share Certificate No. 47 for 90 shares of common stock was erroneously issued to Anthony C. Scoma, Jr. as joint tenant on June 29, 1979, and

WHEREAS, evidence submitted to the Commission establishes that Certificate No. 47 was erroneously issued to Anthony C. Scoma, Jr. as joint tenant when it should properly have been issued to Elizabeth Bertran (nee Scoma); that Bertran has in fact at all times been deemed by Luxor to be the joint tenant shareholder; that the issuance of a replacement share certificate to Bertran would not constitute a transfer within the meaning of Appendix F to the City Charter; and that it should therefore be

RESOLVED, that Luxor share Certificate No. 47 shall be cancelled and replaced with a substitute certificate for 90 shares to be issued to Elizabeth Bertran; and be it further

RESOLVED, that the date for the hearing in the matter of Luxor Cab Company is continued to Thursday, June 11, 1987 at 5:30 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Giraudo, Nelder, Owens, Sanchez
ABSENT: Commissioner Davis

(The entire proceedings were taken in shorthand form by Ms. Joan Oliver, CSR.)

RESOLUTION NO. 669-87

HEARING OF POLICE OFFICER MICHAEL J. WALSH, RICHMOND STATION

WHEREAS, the date for the hearing of the disciplinary charges filed against Police Officer Michael J. Walsh, Richmond Station, was called it having been scheduled for this date; and

WHEREAS, it was requested by Mr. Michael Gash, Attorney at Law, representing the San Francisco Police Department, that the hearing be continued to July 23, 1987; therefore be it

RESOLVED, that the date for the hearing of the disciplinary charges filed against Police Officer Michael J. Walsh, Richmond Station, is hereby continued to Thursday, July 23, 1987 at 5:30 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Giraudo, Nelder, Owens, Sanchez
ABSENT: Commissioner Davis

RESOLUTION NO. 664-87

SETTING OF DATE FOR HEARING OF PATROL SPECIAL OFFICER ALBERT L. ROBLES, CENTRAL POLICE DISTRICT

WHEREAS, the date for the setting of the hearing of the disciplinary charges filed against Patrol Special Officer Albert L. Robles, Central Police District, was called it having been scheduled for this date; and

WHEREAS, it was requested by Mr. Michael Gash, Attorney at Law, representing the San Francisco Police Department, that the date for the hearing of Patrol Special Officer Albert L. Robles be set for July 30, 1987; therefore be it

RESOLVED, that the date for the hearing of the disciplinary charges filed against Patrol Special Officer Albert L. Robles, Central Police District, is scheduled for Thursday, July 30, 1987 at 5:30 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Giraudo, Nelder, Owens, Sanchez
ABSENT: Commissioner Davis

RESOLUTION NO. 665-87

NOTIFICATION AND FILING OF CHARGES AGAINST POLICE OFFICER EUGENE M. YOSHII, PROPERTY CONTROL DIVISION

WHEREAS, charges of violating the Rules and Procedures of the San Francisco Police Department were filed against Police Officer Eugene M. Yoshii, Property Control Division, as follows:

SPECIFICATION NO. 1

Engaging in conduct which tends to subvert the good order, efficiency or discipline of the Department or which reflects discredit upon the Department (violation of Rule A-9 of General Order D-1 of the San Francisco Police Department);

by Frank M. Jordan, Chief of Police, San Francisco Police Department; therefore be it

RESOLVED, that the date for the setting of the hearing of the disciplinary charges filed against Police Officer Eugene M. Yoshii, Property Control Division, is scheduled for Thursday, May 28, 1987 at 5:30 p.m. at Room 551, Hall of Justice.

AYES: Commissioners Giraudo, Nelder, Owens, Sanchez
ABSENT: Commissioner Davis

The meeting, thereafter, was adjourned at 6:55 p.m.

Willie E. Frazier

Lieutenant Willie E. Frazier
Secretary
THE POLICE COMMISSION

≡ Minutes

MAY 28, 1987 SPECIAL MEETING

The Police Commission of the City and County of San Francisco met in their chambers, Room 551, Hall of Justice, 850 Bryant Street on Thursday, May 28, 1987 at 1700 hours in a Special Meeting.

Commissioner Sanchez presiding.

AYES: Commissioners Nelder, Owens, Sanchez
ABSENT: Commissioners Davis, Giraudo

DOCUMENTS DEPT.
SEP 18 1987
SAN FRANCISCO PUBLIC LIBRARY

MAY 28, 1987 REGULAR MEETING

The Police Commission of the City and County of San Francisco met in their chambers, Room 551, Hall of Justice, 850 Bryant Street on Thursday, May 28, 1987 at 1730 hours in a Regular Meeting.

Commissioner Sanchez presiding.

AYES: Commissioners Nelder, Owens, Sanchez
ABSENT: Commissioners Davis, Giraudo

APPROVAL OF MINUTES OF SPECIAL MEETING OF MARCH 18, 1987

Approval of Minutes of Special Meeting of March 18, 1987, the Commissioners having received, approved, and returned copies of same.

APPROVAL OF CONSENT CALENDAR

Recommendation of the City Attorney for settlement of the following claims against City and County of San Francisco:

RESOLUTION NO. 695-87

JAMES DUNBAR, JR. vs. CITY AND COUNTY OF SAN FRANCISCO, et al

RESOLVED, that settlement reached in the claim of James Dunbar, Jr. vs. City and County of San Francisco, et al in Superior Court action 852-642 in the sum of $20,000.00 as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: May 2, 1985

AYES: Commissioners Nelder, Owens, Sanchez
ABSENT: Commissioners Davis, Giraudo

RESOLUTION NO. 696-87

JOHN F. SHINE vs. CITY AND COUNTY OF SAN FRANCISCO

RESOLVED, that the recommendation of the City Attorney for settlement of the litigation of John F. Shine in Superior Court No. 813-695 entitled "John F. Shine vs. City and County of San Francisco, et al" in the sum of $10,000.00 as the result of damages sustained, be, and the same is hereby approved.

RESOLUTION NO. 697-87

WILLIE FLOWERS vs. CITY & COUNTY OF SAN FRANCISCO

RESOLVED, that judgement made for the settlement of the claim of Willie Flowers vs. City and County of San Francisco, Small Claims Court No. 461-284 in the sum of $400.00 for damages sustained, be, and the same is hereby approved.

Date of Incident: August 25, 1986

AYES: Commissioners Nelder, Owens, Sanchez
ABSENT: Commissioners Davis, Giraudo

Date of Incident: September 3, 1982

AYES: Commissioners Nelder, Owens, Sanchez
ABSENT: Commissioners Davis, Giraudo

RESOLUTION NO. 700-87

RICHARD WOO

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Richard E. Woo in the sum of $123.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: April 22, 1987

AYES: Commissioners Nelder, Owens, Sanchez
ABSENT: Commissioners Davis, Giraudo

RESOLUTION NO. 701-87

FREDERICK HOVEY

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Frederick Hovey in the sum of $111.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: April 22, 1987

AYES: Commissioners Nelder, Owens, Sanchez
ABSENT: Commissioners Davis, Giraudo

RESOLUTION NO. 702-87

FRANCES A. ALLEN

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Frances A. Allen in the sum of $100.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: April 21, 1987

AYES: Commissioners Nelder, Owens, Sanchez
ABSENT: Commissioners Davis, Giraudo

RESOLUTION NO. 703-87

ANTONIA C. DUMPIT

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Antonia C. Dumpit in the sum of $100.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: April 11, 1987

AYES: Commissioners Nelder, Owens, Sanchez
ABSENT: Commissioners Davis, Giraudo

RESOLUTION NO. 704-87

ABC TOWING (JACK RANSON)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of ABC Towing (Jack Ranson) in the sum of $99.50 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: April 14, 1987

AYES: Commissioners Nelder, Owens, Sanchez
ABSENT: Commissioners Davis, Giraudo

RESOLUTION NO. 705-87

ABC TOWING (LISA DESAIN)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of ABC Towing (Lisa Desain) in the sum of $99.50 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: February 25, 1987

AYES: Commissioners Nelder, Owens, Sanchez
ABSENT: Commissioners Davis, Giraudo

RESOLUTION NO. 706-87

ABC TOWING (GLADYS BURN)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of ABC Towing (Gladys Burn) in the sum of $99.50 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: March 30, 1987

AYES: Commissioners Nelder, Owens, Sanchez
ABSENT: Commissioners Davis, Giraudo

RESOLUTION NO. 707-87

ABC TOWING (SHAN AMOS)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of ABC Towing (Shan Amos) in the sum of $99.50 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: April 7, 1987

AYES: Commissioners Nelder, Owens, Sanchez
ABSENT: Commissioners Davis, Giraudo

RESOLUTION NO. 708-87

ABC TOWING (JEROME HAWKINS)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of ABC Towing (Jerome Hawkins) in the sum of $99.50 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: February 23, 1987

AYES: Commissioners Nelder, Owens, Sanchez
ABSENT: Commissioners Davis, Giraudo

RESOLUTION NO. 709-87

ABC TOWING (JAMES WILLIAMS)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of ABC Towing (James Williams) in the sum of $99.50 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: April 15, 1987

AYES: Commissioners Nelder, Owens, Sanchez
ABSENT: Commissioners Davis, Giraudo

RESOLUTION NO. 710-87

ABC TOWING (LINDA M. SANDOVAL)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of ABC Towing (Linda M. Sandoval) in the sum of $88.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: April 26, 1987

AYES: Commissioners Nelder, Owens, Sanchez
ABSENT: Commissioers Davis, Giraudo

RESOLUTION NO. 711-87

ALBA M. LINARES

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Alba M. Linares in the sum of $88.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: April 11, 1987

AYES: Commissioners Nelder, Owens, Sanchez
ABSENT: Commissioners Davis, Giraudo

RESOLUTION NO. 712-87

ABC TOWING (SCOTT HOWARD)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of ABC Towing (Scott Howard) in the sum of $88.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: April 14, 1987

AYES: Commissioners Nelder, Owens, Sanchez
ABSENT: Commissioners Davis, Giraudo

RESOLUTION NO. 713-87

FELIX G. CADILLO

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Felix G. Cadillo in the sum of $76.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: May 6, 1987

AYES: Commissioners Nelder, Owens, Sanchez
ABSENT: Commissioners Davis, Giraudo

RESOLUTION NO. 714-87

ABC TOWING (KATHLEEN MOLLOY)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of ABC Towing (Kathleen Molloy) in the sum of $75.35 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: April 23, 1987

AYES: Commissioners Nelder, Owens, Sanchez
ABSENT: Commissioners Davis, Giraudo

RESOLUTION NO. 715-87

ABC TOWING (J. M. PHILLIPS)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of ABC Towing (J. M. Phillips) in the sum of $75.35 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: April 10, 1987

AYES: Commissioners Nelder, Owens, Sanchez
ABSENT: Commissioners Davis, Giraudo

RESOLUTION NO. 716-87

PHUC HO

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Phuc Ho in the sum of $65.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: April 26, 1987

AYES: Commissioners Nelder, Owens, Sanchez
ABSENT: Commissioners Davis, Giraudo

RESOLUTION NO. 717-87

ABC TOWING (GREGORY GREGGS)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of ABC Towing (Gregory Greggs) in the sum of $65.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: April 14, 1987

AYES: Commissioners Nelder, Owens, Sanchez
ABSENT: Commissioners Davis, Giraudo

RESOLUTION NO. 718-87

RICHARD KABAY

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Richard Kabay in the sum of $65.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: April 4, 1987

AYES: Commissioners Nelder, Owens, Sanchez
ABSENT: Commissioners Davis, Giraudo

RESOLUTION NO. 719-87

MARTON M. GARFIELD

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Marton M. Garfield in the sum of $65.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: April 12, 1987

AYES: Commissioners Nelder, Owens, Sanchez
ABSENT: Commissioners Davis, Giraudo

RESOLUTION NO. 720-87

STEPHEN JURINA

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Stephen Jurina by and through Sally de Harven in the sum of $65.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: May 1, 1987

AYES: Commissioners Nelder, Owens, Sanchez
ABSENT: Commissioners Davis, Giraudo

RESOLUTION NO. 721-87

KEVIN HURLBUT

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Kevin Hurlbut in the sum of $65.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: April 12, 1987

AYES: Commissioners Nelder, Owens, Sanchez
ABSENT: Commissioners Davis, Giraudo

RESOLUTION NO. 722-87

PAMELA M. BIAGIO-BALLAS

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Pamela M. Biagio-Ballas in the sum of $65.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: May 2, 1987

AYES: Commissioners Nelder, Owens, Sanchez
ABSENT: Commissioners Davis, Giraudo

RESOLUTION NO. 723-87

MICHAEL COREY

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Michael Corey in the sum of $65.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: May 6, 1987

AYES: Commissioners Nelder, Owens, Sanchez
ABSENT: Commissioners Davis, Giraudo

RESOLUTION NO. 724-87

MICHAEL GERBER

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Michael Gerber in the sum of $65.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: May 6, 1987 (Hearing Date)

AYES: Commissioners Nelder, Owens, Sanchez
ABSENT: Commissioners Davis, Giraudo

RESOLUTION NO. 725-87

JAN SCHONHAUT

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Jan Schonhaut in the sum of $65.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: April 25, 1987

AYES: Commissioners Nelder, Owens, Sanchez
ABSENT: Commissioners Davis, Giraudo

RESOLUTION NO. 726-87

VICTORIA ZENOFF

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Victoria Zenoff in the sum of $65.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: May 8, 1987 (Hearing Date)

AYES: Commissioners Nelder, Owens, Sanchez
ABSENT: Commissioners Davis, Giraudo

RESOLUTION NO. 727-87

FEREIDOUN JAHANI

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Fereidoun Jahani in the sum of $65.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: May 1, 1987

AYES: Commissioners Nelder, Owens, Sanchez
ABSENT: Commissioners Davis, Giraudo

RESOLUTION NO. 728-87

KATHRYN CLARK

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Kathryn Clark in the sum of $65.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: April 15, 1987

AYES: Commissioners Nelder, Owens, Sanchez
ABSENT: Commissioners Davis, Giraudo

POLICE COMMISSION REPORT

Commissioner Sanchez announced that the Police Commission met in Closed Session this afternoon pertaining to an Attorney Client Conference and no vote was taken.

(a) PUBLIC COMMENTS

No public comments.

CHIEF'S REPORT TO THE POLICE COMMISSION

Chief Jordan said he had no additional items he just wanted to alert the Commission again that Traffic Awareness week is in full swing and has been since Monday and there is a great deal of high profile notoriety in the News Media with radio, television and the newspapers. He said the Department is finding that there is a lot more voluntary compliance although they are issuing an average of about 500 citations a day more however they did feel that they are making some additional headway this week.

RESOLUTION NO. 692-87

SETTING OF DATE FOR HEARING OF POLICE OFFICER EUGENE M. YOSHII, PROPERTY CONTROL DIVISION

WHEREAS, the date for the setting of the hearing of the disciplinary charges filed against Police Officer Eugene M. Yoshii, Property Control Division, as called it having been scheduled for this date; and

WHEREAS, it was requested by Mr. Michael Gash, Attorney at Law, representing the San Francisco Police Department, that the date for the hearing of Police Officer Eugene M. Yoshii be set for August 13, 1987; therefore be it

RESOLVED, that the date for the hearing of the disciplinary charges filed against Police Officer Eugene M. Yoshii, Property Control Division, is scheduled for Thursday, August 13, 1987 at 5:30 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Nelder, Owens, Sanchez
ABSENT: Commissioners Davis, Giraudo

REQUEST OF THE CHIEF OF POLICE FOR THE ADOPTION OF PROPOSED RESOLUTION RECOMMENDING THAT THE MAYOR REQUEST THE POLICE DEPARTMENT'S BUDGET BE INCREASED BY $831,140 SO THAT TWO LEASES FOR TWO SITES AND, STORAGE OF TOWED AND ABANDONED VEHICLES MAY BE RENEWED IN FISCAL YEAR 1987/88

Lieutenant John Newlin, in addressing the Commission said that the Commission is aware of the Scenario the Traffic Division is trying to create with the Tow Contract and that would be, for instance, in the past the Department has found itself in difficulty with the Tow situation based on the fact that they have been unable to control the land the real estate needed to run the tow operation so this leasing and pass through to the budget is simply a manner in which the city and county would control the land that they have identified as being necessary to facilitate the tow operations and the Traffic Division in turn would make that available to the Contractors. He said in the event any Contractor is not competently towing for the Traffic Division then the Department could vacate them from the premises and bring on another Contractor to handle the Department's towing needs. Commissioner Nelder made a motion for approval which was seconded and unanimously approved.

RESOLUTION NO. 693-87

REQUEST FOR AN INCREASE IN BUDGET FOR FY 1987-88 AMOUNTING TO $831,140 TO FUND THE LEASING OF TWO SITES IN WHICH TOWED AND ABANDONED VEHICLES MAY BE STORED

WHEREAS, the City and County of San Francisco has contracted to lease two sites in which to store towed and abandoned vehicles in Fiscal Year 1986-87, and;

WHEREAS, the City and County of San Francisco has placed funding for that contract in the budget of the San Francisco Police Department, and;

WHEREAS, the leases were entered into after the Police Department's Fiscal Year 1987-88 budget was submitted to the Mayor, and;

WHEREAS, the City and County wishes to continue the leases in Fiscal Year 1987-88; be it therefore

RESOLVED, THAT THE Police Commission hereby recommends that the Mayor request that the Police Department's Budget be increased by $831,140 so that two leases for towed and abandoned vehicles may be renewed in Fiscal Year 1987-88, the funds to be appropriated as below:

DP/DV/SC 38/901/44
Index 580019

Object	115 Sewer Service Charge	$2,400
	146 Property Rental	815,040
	303 Real Estate Services	1,300
	330 Heat, Power & Light	12,400
Total		$831,140

PUBLIC DISCUSSION REGARDING THE STUDY AND REPORT ON PUBLIC CONVENIENCE AND NECESSITY FOR THE ISSUANCE OF TAXICAB PERMITS IN THE CITY AND COUNTY OF SAN FRANCISCO

Commissioner Sanchez said he would just like to once again explain the procedure in that this is part 2 of the Commission's discussions from the last phase where not everyone had an opportunity to speak. He said as was stated last time many speakers were giving the Commission a great deal of insight pertaining to the response to the Police Department Report. He said the report is a good start and looks at a number of issues that have not been looked at in a comprehensive manner before or has had as much input by so many interested parties pertaining to these issues. He said the Commission will not vote on the issue this evening. Commissioner Sanchez said that he would like everyone to keep their comments to no longer than four minutes and the Commission will grant an additional minute if the subject is of that significance. He said many people have submitted written documents and the Commission is reading those documents and they are being shared with the Department.

The speakers were called and addressed the Commission in the following order:

Mr. Marv Gralnick, Mr. Robert Cesana, Mr. Bernie Stoffer, Mr. Joe Mirabile, Mr. James E. O'Conner, Mr. Joseph Bryak, Mr. Philip P. Josue, Mr. Louis Peppers relingquished his time to Para Transit, Mr. Robert E. Richardson spoke on behalf of Mrs. Edora Richardson, Mr. Jim Bolig, Mr. Bob Franklin, Mr. Ed Burke, Mr. Brian Coop, Mr. Bill Reardon, Ms. Arlene Chu Wong, Representing Para Transit.

The Commission after listening to all of the above speakers recessed the Public Convenience and Necessity Hearing on the Department's Taxicab Study and Report and proceeded with the remaining items on the Calendar.

RESOLUTION NO. 699-87

HEARING OF POLICE OFFICER PETER DACRE, NORTHERN STATION

WHEREAS, the date for the hearing of the disciplinary charges filed against Police Officer Peter Dacre, Northern Station, was called it having been scheduled for this date; and

WHEREAS, it was requested by the Police Commission that the date for the hearing be continued to June 4, 1987; therefore be it

RESOLVED, that the date for the hearing of the disciplinary charges filed against Police Officer Peter Dacre, Northern Station, is hereby continued to Thursday, June 4, 1987 at 5:00 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Nelder, Owens, Sanchez
ABSENT: Commissioners Davis, Giraudo

RESOLUTION NO. 694-87

NOTIFICATION AND FILING OF CHARGES AGAINST POLICE OFFICER JOSEPH Y. GUMBAN, MISSION STATION

WHEREAS, charges of violating the Rules and Procedures of the San Francisco Police Department were filed against Police Officer Joseph Y. Gumban, Mission Station, as follows:

SPECIFICATION NO. 5

Failure to appear at a specially scheduled Police Commission Hearing (Violation of Rule A-9 of General Order D-1 of the San Francisco Police Department).

by Frank M. Jordan, Chief of Police, San Francisco Police Department; therefore be it

RESOLVED, that the date for the setting of the hearing of the disciplinary charges filed against Police Officer Joseph Y. Gumban, Mission Station, is scheduled for Thursday, June 4, 1987 at 5:30 p.m. at Room 551, Hall of Justice.

AYES: Commissioners Nelder, Owens, Sanchez
ABSENT: Commissioners Davis, Giraudo

The Commission thereafter resumed its hearing on the Department's Taxicab Study and Report on Public Convenience and Necessity and resumed hearing the following speakers:

Mr. Charles Bonner, Mr. Yossedek Desta, Mr. Louis Highman, Mr. Paul Guess, Mr. Robert Richardson then spoke in place of Maria Griffith who relinquished her time, Mr. Jote Kejela, Mr. Newall Heywood, Mr. Richard Loewinsohn, Mr. Jack G. Trad, Mr. Robert Jacobs and Mr. George England.

Thereafter, Commissioner Sanchez said this closes the public comment pertaining to the Department's Taxicab Study and Report on Public Convenience and Necessity where everybody has had an opportunity to sign up and submit papers, reports and very excellent matters generated in this type of hearing.

A number of these concepts, he said, are certainly worth looking at and perhaps the Commission will vote to recommend that they be accepted as part of its final deliberations when a vote is taken.

It was then recommended by Lieutenant Winters of the Permit Section that notice be sent to the color scheme holders and to the drivers groups, to the applicants group, and that a request for posting be made to the color scheme holders and that it be advertised at least two weeks prior to the Commission placing it on the agenda for final vote. The Commission agreed to this plan for noticing all parties in the taxi industry.

Commissioner Sanchez then said that Commissioner Giraudo's mother, Mrs. Artemis Giraudo passed away earlier this week and, this evening, the Commission will observe a moment of silence and adjourn in her memory.

Whereupon the proceedings were adjourned at 10:00 p.m.

Lieutenant Willie E. Frazier
Secretary
THE POLICE COMMISSION

F
HS
2
4/87

≡ Minutes

JUNE 4, 1987 SPECIAL MEETING

The Police Commission of the City and County of San Francisco met in their chambers, Room 505-2, Hall of Justice, 850 Bryant Street, on Thursday, June 4, 1987 at 4:30 p.m. in a Special Meeting.

Commissioner Sanchez presiding.

AYES: Commissioners Davis, Nelder, Owens, Sanchez
ABSENT: Commissioner Giraudo

DOCUMENTS DEPT.

SEP 10 1987

SAN FRANCISCO
PUBLIC LIBRARY

JUNE 4, 1987 REGULAR MEETING

The Police Commission of the City and County of San Francisco met in their chambers, Room 551, Hall of Justice, 850 Bryant Street, on Thursday, June 4, 1987 at 5:00 p.m. in a Regular Meeting.

Commissioner Sanchez presiding.

AYES: Commissioners Davis, Nelder, Owens, Sanchez
ABSENT: Commissioner Giraudo

(At this time Item #7 was immediately called.)

HEARING OF POLICE OFFICER PETER DACRE, PATROL BUREAU TASK FORCE

The hearing of the disciplinary charges filed against Police Officer Peter Dacre, Patrol Bureau Task Force, was called it having been set for this date. Police Officer Peter Dacre was charged with violating the Rules and Procedures as follows:

SPECIFICATION NO. 1

Engaging in conduct which tends to subvert the good order, efficiency or discipline of the Department or which reflects discredit upon the Department (violation of Rule A-9 of General Order D-1 of the San Francisco Police Department);

SPECIFICATION NO. 2

Failure to answer questions asked by a superior officer truthfully and without evasion (violation of Rule A-21 of General Order D-1 of the San Francisco Police Department).

in a properly verified complaint by Frank M. Jordan, Chief of Police of the San Francisco Police Department.

Police Officer Peter Dacre appeared in person and was represented by Mr. Stephen Bley, Attorney at Law.

Mr. Michael Gash, Attorney at Law, appeared on behalf of the San Francisco Police Department.

An opening statement was made by Mr. Michael Gash for the Prosecution.

An opening statement was made by Mr. Stephen Bley for the Defense. Mr. Bley made a plea of guilty to the charges on behalf of Officer Peter Dacre.

Commissioner Alfred J. Nelder made a motion to accept the plea of Officer Dacre and was unanimously approved by the Commission.

The following named witnesses were called by the Prosecution, were sworn and testified:

Sergeant Quinn Jones, Management Control Division
Sergeant Bruce Marovich, Patrol Bureau Task Force

The following exhibits were entered into evidence by the Prosecution:

Exhibit #1 Photocopy of P. Dacre's Overtime, 10/30/86 0830 - 1130, and Afternoon Court Compensation Request, 10/30/86 1300 - 1700

Exhibit #2 Photocopy of P. Dacre's Overtime, 11/19/86 0900 - 1200, and Afternoon Court Compensation Request, 11/19/86 1200 - 1400

Exhibit #3 Photocopy of P. Dacre's Overtime, 01/05/87 0900 - 1200, and Afternoon Court Compensation Request, 01/05/87 1300 - 1635

Exhibit #4 Photocopy of Subpoena Log Book, 10/30/86 by Court Liaison Officer

Exhibit #5 Photocopy of Subpoena Log Book, 11/19/86 by Court Liaison Officer

Exhibit #6 Photocopy of Subpoena Log Book, 01/05/87 by Court Liaison Officer

Exhibit #7 Letter from "A Concerned Cop" addressed to Sgt. Maravich

The following named witnesses were called by the Defense, were sworn and testified:

Captain Thomas O'Donnell, Company E
Sergeant Robert Puts, Company E

Closing statement was made by Mr. Stephen Bley for the Defense.

Based on those findings, the Commission requested a recommendation from the Acting Chief of Police Willis Casey. It is the recommendation of the Acting Chief of Police that for Specification No. 1 and Specification No. 2, Officer Dacre be suspended for 45 days, 20 days to be held in abeyance.

The Commission took the matter under submission, recessed and returned, and the following resolution was adopted:

RESOLUTION NO. 731-87

DECISION - HEARING OF POLICE OFFICER PETER DACRE, PATROL BUREAU TASK FORCE

WHEREAS, on March 4, 1987, Frank M. Jordan, Chief of Police, made and served charges against Police Officer Peter Dacre as follows:

SPECIFICATION NO. 1

Engaging in conduct which tends to subvert the good order, efficiency or discipline of the Department or which reflects discredit upon the Department (violation of Rule A-9 of General Order D-1 of the San Francisco Police Department);

(1) At all times herein mentioned, Peter Dacre, Star No. 1972, (hereinafter referred to as "the accused") was and is a police officer employed by the San Francisco Police Department and is assigned to the Patrol Bureau Task Force;

(2) As a police officer, the accused was and is responsible for knowing and obeying the rules, orders and procedures of the San Francisco Police Department;

(3) On or about October 30, 1986, the accused was required to appear in court in the morning to testify regarding a criminal matter. The accused signed the Court Sign-In Sheet for October 30, 1986 indicating he was in Court from 0900 hours until 1200 hours. The accused also submitted a Compensation Request Card requesting overtime pay for this period of time.

(4) On or about October 30, 1986, the accused signed the Court Sign-In Sheet for October 30, 1986, indicating he was in Court from 1200 hours until 1655 hours. The accused also submitted an Afternoon Court Compensation Request Card which indicates that he had worked from 1300 hours until 1700 hours and requested four (4) hours of overtime pay for working the afternoon of October 30, 1986;

(5) On or about October 30, 1986 at approximately 1147 hours, the defendant pleaded guilty in the criminal matter referred to in paragraph (3). The accused did not testify in Court during the afternoon of October 30, 1986;

(6) On or about November 19, 1986, the accused was required to appear in Court in the morning to testify in a criminal matter as a defense witness. The accused signed the Court Sign-In Sheet for November 19, 1986, indicating he was in Court from 0940 hours until 1200 hours. The accused also submitted a Compensation Request Card requesting overtime pay for this period of time;

(7) On or about November 19, 1986, the accused signed the Court Sign-In Sheet for November 19, 1986, indicating he was in Court from 1200 hours until 1400 hours. The accused also submitted an Afternoon Court Compensation Request Card which indicated that he had worked from 1200 hours until 1400 hours on November 19, 1986 and requested two (2) hours of overtime pay for working during the afternoon of November 19, 1986;

(8) On or about November 19, 1986, the accused was required to appear as a defense witness at 0900 hours. The accused was the last witness called in that matter and he completed his testimony and the hearing ended at 1233 hours. The accused was not called as a witness, nor did he testify during the afternoon of November 19, 1986 after 1233 hours;

(9) On or about January 5, 1987, the accused was required to appear in Court in a criminal matter. The accused signed the Court Sign-In Sheet for January 5, 1987 indicating he was in Court from 0900 hours until 1200 hours. The accused also submitted a Compensation Request Card requesting overtime pay for this period of time;

(10) On or about January 5, 1987, the accused signed the Court Sign-In Sheet for January 5, 1987 indicating he was in Court from 1300 hours until 1640 hours. The accused also submitted an Afternoon Court Compensation Request Card which indicated that he had worked from 1300 hours until 1635 hours on January 5, 1987 and requested four (4) hours of overtime pay for working during the afternoon of January 5, 1987;

(11) On or about January 5, 1987, at approximately 1100 hours, the defendant plead guilty in the criminal matter referred to in paragraph (9). At approximately 1200 hours the accused was informed that the defendant had plead guilty and he would no longer be needed that day. The accused did not testify in Court during the afternoon of January 5, 1987;

(12) Police Officers of the San Francisco Police Department who are required to appear in criminal court in both the morning and the afternoon of the same day receive three (3) hours compensation for appearing in Court during the morning and are compensated on an hour-for-hour basis for time spent in court during the afternoon at an overtime rate of time and one half;

(13) The accused, by signing the Court Sign-In Sheet on October 30, 1986, November 19, 1986, and January 5, 1987 which falsely indicated he was in Court during the afternoons of those dates, and by submitting Afternoon Court Compensation Requests for October 30, 1986, November 19, 1986, and January 5, 1987, which falsely indicates that he be paid overtime, when in fact he did not work during those afternoons, has engaged in conduct which constitute violations of Rule A-9 of General D-1 of the San Francisco Police Department which states:

"Any breach of the peace, neglect of duty, misconduct or any conduct on the part of any member either within or without the state which tends to subvert the good order, efficiency or discipline of the Department

or which reflects discredit upon the Department or any member thereof or is prejudicial to the efficiency and discipline of the Department, though such offenses are not specifically defined or laid down in these Rules and Procedures, shall be considered unofficerlike conduct triable and punishable by the Board."

SPECIFICATION NO. 2

Failure to answer questions asked by a superior officer truthfully and without evasion (violation of Rule A-21 of General Order D-1 of the San Francisco Police Department).

(14) The allegations contained in paragraphs 1 through 5 of Specification No. 1 are hereby incorporated by reference as if fully set forth herein;

(15) On or about February 13, 1987, the accused was interviewed by the Management Control Division;

(16) During the interview the accused, when questioned regarding his submission of a false Afternoon Court Compensation Request Card for October 30, 1986, was untruthful and evasive in his answers;

(17) The accused, by being untruthful and evasive in answering questions asked by a superior officer during the Management Control Division interview, has engaged in conduct which constitutes a violation of Rule A-21 of General Order D-1 of the San Francisco Police Department, which states:

"Members shall, when questioned on matters relating to their employment with the Police Department by a superior officer or any one designated by a superior officer for this purpose, answer all questions truthfully and without evasion. Prior to being asked to respond to the questions, the member shall be advised of and afforded all his/her civil and employere rights as provided at that time by law or contractual agreement."

and

WHEREAS, a hearing on said charges was held before the Police Commission pursuant to Section 8.343 of the Charter of the City and County of San Francisco on Thursday, June 4, 1987, and on Thursday, June 4, 1987, the matter was submitted to the Police Commission for decision; and

WHEREAS, the Police Commission finds that the allegations contained in Specification No. 1, violation of Rule A-9 of General Order D-1 of the San Francisco Police Department, and Specification No. 2, violation of Rule A-21 of General Order D-1 of the San Francisco Police Department, are sustained; therefore be it

RESOLVED, that based on these findings, consistent with the Commission's duty to protect the health, safety and general welfare of the citizens of the City and County of San Francisco and the public in general, and in order to promote efficiency and good discipline in the San Francisco Police Department, the Commission orders that the following discipline be imposed:

Specification No. 1	[penalty]	30 calendar days suspension, 15 days to be held in abeyance
Specification No. 2	[penalty]	30 calendar days suspension

and be it further

RESOLVED, that said suspension totaling forty-five (45) calendar days is to be imposed commencing Friday, June 5, 1987 at 0001 hours and ending Sunday, July 19, 1987 at 2400 hours. The fifteen (15) days held in abeyance on Specification No. 1 are to be held in abeyance for one year. If any violation relating to the charges occurs during this period, the additional 15 days suspension will be imposed.

AYES: Commissioners Davis, Nelder, Owens, Sanchez
ABSENT: Commissioner Giraudo

Recess taken during the hearing of Officer Peter Dacre:

6:00 p.m. to 6:10 p.m.

(The entire proceedings were taken in shorthand form by Ms. Anita Weinert, CSR.)

APPROVAL OF MINUTES OF MEETING OF MARCH 19, 1987

Minutes of the meeting of March 19, 1987 were approved, the Commissioners having received, approved and returned copies of same.

SETTING OF DATE FOR HEARING OF THE DISCIPLINARY CHARGES FILED AGAINST POLICE OFFICER JOSEPH Y. GUMBAN, MISSION STATION

At this time Lieutenant Frazier announced that this item had been consolidated with another item pertaining to Officer Gumban at a Special Meeting of the Commission on Tuesday, June 1, 1987 so the calendar item #8 tonight should be disregarded.

Other calendar items were then called as follows:

NOTIFICATION AND FILING OF CHARGES AGAINST POLICE OFFICER WALTER L. PINOSKY, CENTRAL STATION

RESOLUTION NO. 730-87

WHEREAS, charges of violating the Rules and Procedures of the San Francisco Police Department were filed against Police Officer Walter L. Pinosky, Central Station, as follows:

SPECIFICATION NO. 1

Possessing or using controlled substances as defined under the California Uniform Controlled Substance Act (violation of Section IV.C of General Order D-4 of the San Francisco Police Department);

SPECIFICATION NO. 2

Possessing or using controlled substances as defined under the California Uniform Controlled Substance Act (violation of Section IV.C of General Order D-4 of the San Francisco Police Department).

by Frank M. Jordan, Chief of Police, San Francisco Police Department; therefore be it

RESOLVED, that the date for the setting of the hearing of the disciplinary charges filed against Police Officer Walter L. Pinosky, Central Station, is scheduled for Thursday, June 11, 1987 at 5:30 p.m. at Room 551, Hall of Justice.

AYES: Commissioners Davis, Nelder, Owens, Sanchez
ABSENT: Commissioner Giraudo

REQUEST FOR HEARING ON THE APPEAL OF THE CHIEF'S SUSPENSION OF POLICE OFFICER RONALD HOLLINS, SOUTHERN STATION

RESOLUTION NO. 734-87

WHEREAS, Police Officer Ronald Hollins filed an appeal on the Chief's suspension through the Police Officers' Association, and

WHEREAS, a written report submitted by Sergeant Peter R. Maloney, acting on behalf of Officer Ronald Hollins, waived the 30-day hearing provision before the Commission, as required by the Charter for officers appealing their Chief's suspension; therefore be it

RESOLVED, that the date for the hearing on the appeal of the Chief's suspension imposed on Police Officer Ronald Hollins, Southern Station, be set for Thursday, July 9, 1987 at 5:30 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Davis, Nelder, Owens, Sanchez
ABSENT: Commissioner Giraudo

REQUEST FOR HEARING ON THE APPEAL OF THE CHIEF'S SUSPENSION OF POLICE OFFICER JAMES D. JONES, SOUTHERN STATION

RESOLUTION NO. 733-87

WHEREAS, Police Officer James D. Jones filed an appeal on the Chief's suspension through the Police Officers' Association, and

WHEREAS, a written report submitted by Sergeant Peter R. Maloney, acting on behalf of Officer James D. Jones, waived the 30-day hearing provision before the Commission, as required by the Charter for officers appealing their Chief's suspension; therefore be it

RESOLVED, that the date for the hearing on the appeal of the Chief's suspension imposed on Police Officer James D. Jones, Southern Station, be set for Thursday, July 9, 1987 at 5:30 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Davis, Nelder, Owens, Sanchez
ABSENT: Commissioner Giraudo

REQUEST OF THE CHIEF OF POLICE TO APPLY FOR AND ACCEPT A STATE GRANT IN THE AMOUNT OF $111,111 FROM THE STATE OFFICE OF CRIMINAL JUSTICE PLANNING FOR A PROJECT ENTITLED "CAREER CRIMINAL APPREHENSION PROGRAM"

Lieutenant Charles Hoenisch of the Fencing Detail addressed the Commission on this item and said it has already been approved by the Mayor's Criminal Justice Council. The City has to come up with a 10% match and therefore the Commission's approval is needed to present it to the Board of Supervisors. Lieutenant Hoenisch, in response to Commissioner Davis' request for an overview of the program, said this item is a project that he had spoken to the Commissioners about approximately six months ago. He said it involves a career criminal type of apprehension program.

Commissioner Nelder said he would move for approval, Commissioner Davis seconded, and it was unanimously approved.

AUTHORIZING ACCEPTANCE OF GIFT CERTIFICATES OF $25.00 EACH BY OFFICERS JOSEPH McCLOSKEY AND CHARLES SIMPSON BY BETH RENGE

RESOLUTION NO. 732-87

RESOLVED, that the Police Commission hereby authorizes Officer Joseph McCloskey and Officer Charles Simpson, Northern Station, to accept a gift certificate in the amount of $25.00 each (total $50.00) given by Beth Renge in gratitude for services rendered by them on March 14, 1987.

AYES: Commissioners Davis, Nelder, Owens, Sanchez
ABSENT: Commissioner Giraudo

REQUEST OF MR. STEPHEN HESS, PRESIDENT, ALL CITY LOCKSMITH, FOR POLICE COMMISSION CONSIDERATION TO ADOPT A MODEL POLICY FOR USE BY SAN FRANCISCO POLICE DEPARTMENT OFFICERS WHEN CALLED UPON TO PROVIDE CITIZEN SERVICES IN OPENING OF LOCKED AUTOS

Mr. Stephen Hess said he had written a letter he would read to the Commission and it went thusly, "On January 4th, I received a call from a Mr. Clancy at 55 Anthony Street, San Francisco, to unlock his car. I told him I was on my way to another auto lockout first but that I was coming and I would arrive within an hour. When I arrived on time, a police officer was there working on the car with a car opening tool. If a situation is one of danger of a person at night in a bad neighborhood or a baby locked in the car, I wouldn't mind an officer opening a car as long as a locksmith is not already on the way. On a Sunday afternoon with no one in danger and with myself being called on to come across the city, I did not

appreciate. In fact my taxes were paying for that officer to take my job. Is there a City policy about opening vehicles on non-emergency situations? Do officers also do plumbing, gardening or electrical work? Was there really no police business for this officer to handle?" He said there were a couple other points that he wanted to find out and that is, is the City in the car opening business, because if so, he said, he felt it was unfair competition. He said he pays over a thousand dollars a month for ads in the yellow pages. He said he also wanted to find out what it cost the City to send a squad car to perform this service. He said there are already many locksmiths in this City who won't go to a lock-out because of the many times when they arrive the person is gone. He said they don't call, they don't cancel, they just leave and that is a business that is not being done as much as it used to be done in this City. Other speakers complaining about the same process were Ms. Leana Ambrose, owner of the Ambrose Locksmith Company, Ms. Racquel Leon, Municipal Traffic Court Referee, Mr. Phil Carey, Locksmith, and Mr. Chris Carter, Locksmith.

Mr. Carter spoke of legislation being considered at the present time but Commissioner Nelder advised that he did not feel that legislation was really the answer in that a workable solution by both the Police and the Locksmith Organization is a better way to go. He said sometimes legislation pins everybody down to the point where the results are tragic. He said he feels after a full and complete meeting with the Deputy Chiefs of Investigation and Patrol to formulate a proposed policy and plan that is workable and better for all concerned in San Francisco is the best way to go. Commissioner Nelder said he would make a motion that the representatives of the Locksmith Association be contacted, a meeting be set up between them and the two previously mentioned Deputy Chiefs along with the Commanding Officer of the Auto Detail, and the results of that meeting brought back for hearing before the Police Commission. Commissioner Owens seconded and it was unanimously approved.

The Commission then recessed to handle matters in Closed Session which had been posted and announced in accordance with the provisions of the Brown Act.

Upon reconvening the following items were then called:

APPROVAL OF CONSENT CALENDAR

Recommendation of the City Attorney for settlement of the following claims against the City and County of San Francisco:

RESOLUTION NO. 735-87

JOSE VASQUEZ vs. CITY & COUNTY OF SAN FRANCISCO, et al

RESOLVED, that the recommendation of the City Attorney for settlement of the litigation of Jose Vasquez entitled "Jose Vasquez vs. City and County of San Francisco, et al" in Superior Court No. 817-939, for the amount of $5,500.00 as a result of damages sustained, be, and the same is hereby approved.

Date of Incident: December 17, 1981

AYES: Commissioners Davis, Nelder, Owens, Sanchez
ABSENT: Commissioner Giraudo

RESOLUTION NO. 736-87

CALIFORNIA STATE AUTO ASSOCIATION (INS: GARRISON, CARRIE)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of California State Auto Association (Ins: Garrison, Carrie) in the sum of $972.59 as a result of damages sustained, be, and the same is hereby approved.

Date of Incident: December 26, 1986

AYES: Commissioners Davis, Nelder, Owens, Sanchez
ABSENT: Commissioner Giraudo

RESOLUTION NO. 737-87

ABC TOWING (CISSY MICHELIS)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of ABC Towing (Cissy Michelis) in the sum of $129.75 due to non-payment of towing charges, be, and the same is hereby approved.

Date of Incident: March 16, 1987

AYES: Commissioners Davis, Nelder, Owens, Sanchez
ABSENT: Commissioner Giraudo

RESOLUTION NO. 738-87

LEILA ROUSSEL

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Leila Roussel in the sum of $35.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: February 10, 1987

AYES: Commissioners Davis, Nelder, Owens, Sanchez
ABSENT: Commissioner Giraudo

POLICE COMMISSION REPORT

Commissioner Sanchez then announced the Police Commission met in closed session under the Brown Act pertaining to an Attorney-Client Conference and no vote was taken.

Commissioner Owens in issuing her report said that last Friday she attended the 164th Academy Graduation Ceremonies. She said it was her first time and she enjoyed seeing the professionalism displayed by the new officers.

(a) PUBLIC COMMENTS

No public comments.

CHIEF'S REPORT TO THE POLICE COMMISSION

Deputy Chief Casey said that as the Commission knows, Chief Jordan is out of town and he had no Chief's report for the Commission tonight.

HEARING OF RECRUIT OFFICER DESIREE T. GARRICK, POLICE ACADEMY

The hearing of the disciplinary charges filed against Recruit Officer Desiree T. Garrick, Police Academy, was called it having been set for this date.

Recruit Officer Desiree T. Garrick appeared in person and was not represented by counsel.

Mr. Michael Gash, Attorney at Law, appeared on behalf of the San Francisco Police Department.

An opening statement was made by Mr. Michael Gash for the Prosecution.

An opening statement was deferred by Recruit Officer Garrick until her attorney could be located.

The following named witnesses appeared for the Prosecution, were sworn and testified:

Officer James Gaggero, Company H
Officer Constance Louie, Police Academy
Sergeant Lillian Mattoch, Potrero Station and Part Time Academy
Officer Frank McKee, Police Academy
Sergeant James Leach, Police Academy
Sergeant/Inspector Dave Robinson, Narcotics Bur.
Sergeant Quinn Jones, Management Control Division
Sergeant Thomas Bywater, Company I
Dr. Randall Baselt, Foster City, CA

The following exhibit was entered into evidence by the Prosecution:

Exhibit #1 Copy of Laboratory Report on Desiree Garrick signed by Dr. R. Baselt on 03/26/87

After listening to testimony from the above parties, the hearing was continued to Thursday, June 18, 1987 at 5:30 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Davis, Nelder, Owens, Sanchez
ABSENT: Commissioner Giraudo

Recess taken during the hearing of Recruit Officer Desiree Garrick:

8:45 p.m. to 8:57 p.m.

(The entire proceedings were taken in shorthand form by Ms. Anita Weinert, CSR.)

The meeting was thereafter adjourned at 10:02 p.m.

Willie E. Frazier

Lieutenant Willie E. Frazier
Secretary
THE POLICE COMMISSION

≡Minutes

SF
245
2
2/87

JUNE 2, 1987 SPECIAL MEETING

The Police Commission of the City and County of San Francisco met in their chambers, Room 551, Hall of Justice, 850 Bryant Street, on Tuesday, June 2, 1987 at 0900 hours in a Special Meeting.

Commissioner Sanchez presiding.

AYES: Commissioners Davis, Nelder, Owens, Sanchez
ABSENT: Commissioner Giraudo

DOCUMENTS DEPT.

SEP 18 1987

SAN FRANCISCO
PUBLIC LIBRARY

HEARING OF POLICE OFFICER JOSEPH GUMBAN, MISSION STATION

The hearing of the disciplinary charges filed against Police Officer Joseph Gumban, Mission Station, was called it having been set for this date.

Police Officer Joseph Gumban appeared in person and was represented by Mr. Fred Butler, Attorney at Law and Ms. Allison Berry, law student.

Mr. Michael Gash, Attorney at Law, appeared on behalf of the San Francisco Police Department.

An opening statement was made by Mr. Michael Gash for the Prosecution.

An opening statement was made by Mr. Fred Butler for the Defense. Mr. Butler reiterated his position, taking issue with Departmental charges in a letter to the Commission on February 26, 1987, presented as procedural and substantive motions asking that the changes be stated on a more specific basis and requested a ruling by the Commission in this regard.

Mr. Gash then responded to Mr. Butler's motion on an issue-by-issue basis.

After listening to both parties, Commissioner Nelder moved that Mr. Butler's request on his motions be denied and the hearing proceed accordingly. This was seconded by Commissioner Owen Davis and unanimously approved.

The following named witnesses appeared for the Prosecution, were sworn and testified:

Sergeant Melinda Pengel, Company D
Officer Al Giovanetti, Company D
Sergeant Anthony J. Fotinos, Company D
Sergeant Daniel Curiel, Company D
Sergeant Larry R. Barsetti, Company D

The following exhibits were entered into evidence by the Defense:

Exhibit A Memo to Lt. David Maron dated 07/14/86 from Sgt. Melinda Pengel re: Excessive Force by Officer Joseph Gumban

Exhibit B Communications Printout 2 62220101A - Call to 2251 Market Street address

Exhibit C Memo dated 08/21/86 from Sgt. Curiel to Capt. Michael Lennon Re: Officer Joseph Gumban taking a 90 plus minutes for a meal

After listening to testimony from the above parties, the matter was continued to Thursday, June 11, 1987 at 5:30 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Davis, Nelder, Owens, Sanchez
ABSENT: Commissioner Giraudo

Recess taken during the hearing of Officer Joseph Gumban:

10:40 a.m. to 10:45 a.m.

(The entire proceedings were taken in shorthand form by Charlotte Formes, CSR.)

The meeting was thereafter adjourned at 11:45 a.m.

—

Lieutenant Willie E. Frazier
Secretary
THE POLICE COMMISSION

≡Minutes

JUNE 11, 1987 SPECIAL MEETING

The Police Commission of the City and County of San Francisco met in their Chambers, Room 505-2, Hall of Justice, 850 Bryant Street, on Thursday, June 11, 1987 at 1700 hours in a Special Meeting.

DOCUMENTS DEPT.
SEP 2 0 1987
SAN FRANCISCO PUBLIC LIBRARY

1. Attorney-Client Conference.

Commissioner Sanchez presiding.

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

JUNE 11, 1987 REGULAR MEETING

The Police Commission of the City and County of San Francisco met in their Chambers, Room 551, Hall of Justice, 850 Bryant Street, on Thursday, June 11, 1987 at 1730 hours in a Regular Meeting.

Commissioner Sanchez presiding.

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

APPROVAL OF MINUTES OF MEETING OF MARCH 26, 1987

Approval of Minutes of Meeting of March 26, 1987, the Commissioners having received, approved, and returned copies of same.

APPROVAL OF CONSENT CALENDAR

Recommendation of the City Attorney for settlement of the following claims against City and County of San Francisco:

RESOLUTION NO. 747-87

NOLA WOOD vs. CITY AND COUNTY OF SAN FRANCISCO

RESOLVED, that the recommendation of the City Attorney for settlement of the litigation of Nola Wood entitled "Nola Wood vs. City and County of San Francisco" in Superior Court Action No. 807-174 in the sum of $12,075.00 as a result of damages sustained, be, and the same is hereby approved.

Date of Incident: August 20, 1982

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

RESOLUTION NO. 748-87

RICHARD DELGADO vs. CITY AND COUNTY OF SAN FRANCISCO

RESOLVED, that the recommendation of the City Attorney for approval of the settlement made for the litigation of Richard Delgado entitled "Richard Delgado vs. City and County of San Francisco, et al" in United States District Court No. C86-5171 MHP in the sum of $2,250.00 as a result of damages sustained, be, and the same is hereby approved.

Date of Incident: October 10, 1985

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

RESOLUTION NO. 749-87

ROBERT R. RULE

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Robert R. Rule in the sum of $1,850.00 as a result of damages sustained, be, and the same is hereby approved.

Date of Incident: April 23, 1986

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

RESOLUTION NO. 750-87

EUNICE BENTON vs. CITY AND COUNTY OF SAN FRANCISCO

RESOLVED, that the recommendation of the City Attorney for the approval of settlement made for the litigation of Eunice Benton entitled "Eunice Benton vs. City and County of San Francisco, et al" in United States District Court No. C86-6092, in the sum of $750.00 as a result of damages sustained, be, and the same is hereby approved.

Date of Incident: November 28, 1984

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

RESOLUTION NO. 751-87

ANTHONY MEEKER vs. CITY AND COUNTY OF SAN FRANCISCO

RESOLVED, that the recommendation of the City Attorney for the approval of the settlement made for the litigation of Anthony Meeker entitled "Anthony Meeker vs. City and County of San Francisco, et al" in Superior Court No. 846-763 in the sum of $400.00 as a result of damages sustained, be, and the same is hereby approved.

Date of Incident: April 16, 1985

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

RESOLUTION NO. 752-87

PECAVAR vs. CITY AND COUNTY OF SAN FRANCISCO

RESOLVED, that the judgement made for the litigation of Pecavar vs. City and County of San Francisco in Small Claim No. 463-792 for the amount of $61.14 as a result of damages sustained, be, and the same is hereby approved.

Date of Incident: November 22, 1986

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

RESOLUTION NO. 753-87

RONALD ROGERS vs. CITY AND COUNTY OF SAN FRANCISCO

RESOLVED, that the recommendation of the City Attorney for settlement of the litigation of Ronald Rogers entitled "Ronald Rogers vs. City and County of San Francisco, et al" in United Stated District Court No. C86-1834 TEH (FW) in the sum of $4,000.00 as a result of damages sustained, be, and the same is hereby approved.

Date of Incident: May 5, 1985

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

POLICE COMMISSION REPORT

Commissioner Nelder, in addressing the President of the Commission, Commissioner Sanchez, said that sometime ago earlier this year Captain Mike Hebel appeared before the Commission and spoke about the San Francisco Police Department Drug Education and Abatement Program that the Department has launched and is now in process. He said he would, at this time, request that the Commission hear a report on this subject from Sergeant DeLaTorre of the Community Services Division. He said the Sergeant, although the program is already in effect, wants permission to seek a grant and simply wants a signature of approval from the Commission to pursue this grant. Sergeant DeLaTorre said that his unit has been involved with an intensive drug education program for the past six months with grammar school youth. He said they are also training the 650 plus teachers in those 72 grammar schools, and administering the program to 13,000 plus children. He said the Grant has been applied for through the Office of Criminal Justice Planning in Sacramento recommending that San Francisco Police Department be considered for a $125,000.00 Grant so that the Department can continue this program. He said they are now using drug asset seizure money and don't know how long these funds will last. He said, so, he would just respectfully request the signature from the President of the Board or one of the Commissioners thereby enabling them to send the request to Sacramento next week.

Commissioner Nelder said he would make a motion that the Commission President sign it, Commissioner Davis seconded and it was unanimously approved.

Commissioner Nelder said he also wanted to call to the attention of the Commission a matter had been submitted by the Department's Counsel Michael Gash in a letter regarding certain remarks by the Office of Citizen Complaints (OCC) that were detrimental to his standing. Commissioner Nelder said the Commission's investigation disclosed that the person that was alleged to have made them said he did not make those remarks and certainly did not use the words that were reiterated to Mr. Gash.

Commissioner Nelder said it is the opinion of this Commission that Mr. Michael Gash has done a very professional and very thorough and a very fair job as counsel who prosecutes the defendant and errant officers before the Commission. He continued by saying Mr. Gash has been here almost five (5) years and he (Commissioner Nelder) can't remember anytime where Mr. Gash has received anything other than commendations from this particular Commission.

He said the person that Mr. Gash named as being the person who made the remarks, Mr. Dan Silva, is writing Mr. Gash a letter saying how the matter came about and if warranted, he would offer a public apology to Mr. Gash.

Thereafter, Commissioner Sanchez said the Commission met in Closed Session this date in an Attorney-Client Conference in accordance with Brown Act and no vote was taken.

(a) PUBLIC COMMENTS

Commissioner Sanchez asked if anyone had any public comments at this time please come forth give their name and comments. Mr. Ed Burke said he was a Member of Permit Applicants Protective Association (P.A.P.A.) and he wanted to the Commission to give him an update on the status of the Veterans Cooperate permit situation. Commissioner Sanchez said the Internal Audit had been referred to the City Attorney at his request and the City Attorney is still reviewing it and upon completion it will be on calendar after notice to all parties concerned. Lieutenant Willie Frazier, Secretary to the Commission then advised that the Commission had received a copy of a letter the City Attorney had written to the Controller in regards to the Audit Report of Veterans vs. Speck asking further information and clarification on some areas of the report. The Lieutenant said that the Commission Office received that letter on June 2nd and that is where it stands at this point in time. Commissioner Sanchez said, so, at this point the Commission will not calendar the matter until all information has been received. He said he would hope that there is some rational conclusion, and soon, as there has been an extensive period of time in trying to solve this matter.

CHIEF'S REPORT TO THE POLICE COMMISSION

Deputy Chief John Jordan acting on behalf of Police Chief Frank Jordan advised the Commission that there are no matters to report from the Chief this evening.

At this time Lieutenant Frazier advised the Commission that previous to this day a Mr. Alan Rosenberg had requested to make public comment and was advised to come to the Commission this evening to do so. Mr. Rosenberg's name was called several times and since there was no response, the Lieutenant called the next item.

RECOMMENDATION OF THE CHIEF OF POLICE TO GRANT A MOTORIZED RICKSHAW PERMIT TO YOSSEDEK DESTA

Lieutenant Greg Winters said to the Commission that there was a letter sent to the Commission from Chief Jordan recommending that the Commission grant a Rickshaw Permit to Mr. Yossedek Desta providing he meet all of the requirements as listed in the letter sent to the Commission.

He said certain documents called for among those requirements have not as yet been received by the Permit Section but other than that. He said Mr. Desta is qualified and should be granted a permit. He said however, his routes has not been approved by all of the various Boards and Commissions and that must be done before he would be allowed to operate. Mr. Desta in speaking in his own behalf said that he would hope that the Commission would postpone further action on this permit. He said he was hoping that the Commission's decision on taxi's which has yet to come would be so that he would receive a taxi permit. He said therefore he was hoping he could wait until the Commission could decide on the taxi issue. Commissioner Giraudo said the only way the Commission would put it off calendar would be to allow Mr. Desta to pursue his motorized rickshaw routes. Commissioner Nelder said that he would make the motion to put it off calendar, Commissioner Giraudo seconded and it was unanimously approved.

RESOLUTION NO. 740-87

SETTING OF DATE FOR HEARING OF POLICE OFFICER WALTER L. PINOSKY, CENTRAL STATION

WHEREAS, the date for the setting of the hearing of the disciplinary charges filed against Police Officer Walter L. Pinosky, Central Station, was called it having been scheduled for this date; and

WHEREAS, it was requested by Mr. Michael Gash, Attorney at Law, representing the San Francisco Police Department, that the date for the hearing of Police Officer Walter L. Pinosky be set for August 6, 1987; therefore be it

RESOLVED, that the date for the hearing of the disciplinary charges filed against Police Officer Walter L. Pinosky, Central Station, is set for Thursday, August 6, 1987 at 5:30 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

RESOLUTION NO. 742-87

LEAVE OF ABSENCE WITHOUT PAY PENDING HEARING OF CHARGES - POLICE OFFICER STEPHEN D. LYSTER, CRIMINAL INFORMATION DIVISION

WHEREAS, Police Officer Stephen D. Lyster, Criminal Information Bureau, was suspended without pay effective 1700 hours on March 4, 1987, pending hearing of charges before the Police Commission; and

WHEREAS, Police Officer Stephen D. Lyster has requested a Leave of Absence Without Pay pending hearing of charges before the Police Commission; therefore be it

RESOLVED, that Police Officer Stephen D. Lyster, Criminal Information Bureau, be placed on Leave of Absence Without Pay at his request for a period of fifty-seven (57) days commencing April 30, 1987 through June 27, 1987, inclusive, be, and the same is hereby approved.

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

RESOLUTION NO. 743-87

LEAVE OF ABSENCE WITHOUT PAY PENDING HEARING OF CHARGES - RECRUIT OFFICER DESIREE T. GARRICK, POLICE ACADEMY

WHEREAS, Recruit Officer Desiree T. Garrick, Police Academy, was suspended without pay effective 1300 hours on March 26, 1987, pending hearing of charges before the Police Commission; and

WHEREAS, Recruit Officer Desiree T. Garrick has requested a Leave of Absence Without Pay pending hearing of charges before the Police Commission; therefore be it

RESOLVED, that Police Recruit Officer Desiree T. Garrick, Police Academy, be placed on Leave of Absence Without Pay at her request for a period of fifteen (15) days commencing June 4, 1987 through June 18, 1987, inclusive, be, and the same is hereby approved.

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

RESOLUTION NO. 744-87

HEARING OF POLICE OFFICER RICHARD K. MONTERO, MISSION STATION

WHEREAS, on April 16, 1987, Frank M. Jordan, Chief of Police, made and served charges against Police Officer Richard K. Montero, Mission Station, as follows:

SPECIFICATION NO. 1

Engaging in conduct which tends to subvert the good order, efficiency or discipline of the Department or which reflects discredit upon the Department (violation of Rule A-9 of General Order D-1 of the San Francisco Police Department);

and

WHEREAS, the Police Commission set Thursday, June 11, 1987, as the date for the hearing on charges filed against Officer Richard K. Montero; and

WHEREAS, Acting Chief of Police John Jordan announced that the Police Department was in receipt of the resignation of Officer Richard K. Montero, said resignation effective close of business June 9, 1987, which resignation was accepted with the condition that the services of Officer Richard K. Montero have been unsatisfactory and that he does not resign in good standing; therefore be it

RESOLVED, that the charges of violating the Rules and Procedures of the San Francisco Police Department filed against Police Officer Richard K. Montero, Mission Station, be, and the same is hereby continued off calendar.

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

—

RESOLUTION NO. 745-87

LEAVE OF ABSENCE WITHOUT PAY PENDING HEARING OF CHARGES - POLICE OFFICER DEBORAH E. FRANKS, POTRERO STATION

WHEREAS, Police Officer Deborah E. Franks, Potrero Station, was suspended without pay effective 1500 hours on March 6, 1987, pending hearing of charges before the Police Commission; and

WHEREAS, Officer Deborah E. Franks has requested a Leave of Absence Without Pay pending hearing of charges before the Police Commission; therefore be it

RESOLVED, that Police Officer Deborah E. Franks, Potrero Station, be placed on Leave of Absence Without Pay at her request for a period of sixty-four (64) days commencing May 14, 1987 through July 16, 1987, inclusive, be, and the same is hereby approved.

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

NOTIFICATION AND FILING OF CHARGES AGAINST POLICE OFFICER JOSEPH Y. GUMBAN, MISSION STATION

RESOLUTION NO. 746-87

WHEREAS, charges of violating the Rules and Procedures of the San Francisco Police Department were filed against Police Officer Joseph Y. Gumban, Mission Station, as follows:

SPECIFICATION NO. 6

Engaging in conduct which reflects discredit upon the Department (violation of Rule A-9 of General Order D-1 of the San Francisco Police Department);

SPECIFICATION NO. 6

Failure to obey the lawful order of a superior (violation of Rule A-11 of General Order D-1 of the San Francisco Police Department);

SPECIFICATION NO. 8

Failure to report for duty as scheduled (violation of Rule A-9 of General Order D-1 of the San Francisco Police Department).

by Willis A. Casey, Acting Chief of Police, San Francisco Police Department; therefore be it

RESOLVED, that the date for the setting of the hearing of the disciplinary charges filed against Police Officer Joseph Y. Gumban, Mission Station, is scheduled for Thursday, June 18, 1987 at 5:30 p.m. at Room 551, Hall of Justice.

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

—

REQUEST OF THE CHIEF OF POLICE FOR APPROVAL OF THE PENDING APPOINTMENT OF DR. R. CLAYTON PARSON, M.D. TO THE POSITION OF POLICE PHYSICIAN (CONTINUED FROM MEETING OF APRIL 23, 1987)

Commissioner Sanchez said there was some correspondence that was received by the Chief's Office this date from the Department of Public Health but since the Chief is not here at this time, he would suggest that it be put over for two weeks. Commissioner Owens said she would make the motion for two weeks, it was seconded by Commissioner Davis, and unanimously approved.

RECOMMENDATION OF THE CHIEF THAT THE POLICE COMMISSION CONDUCT A HEARING IN THE MATTER OF LUXOR CAB CO. INDICATING THAT LUXOR HAS VIOLATED APPENDIX F, SECTION 5, SUBDIVISION (a) OF THE CHARTER OF THE CITY AND COUNTY OF SAN FRANCISCO (CONTINUED FROM MEETING OF MAY 21, 1987)

The hearing on the recommendation of the Chief of Police that the Police Commission conduct a hearing in the matter of Luxor Cab Company indicating that Luxor has violated Appendix F, Section 5, Subdivision (a) of the Charter of the City and County of San Francisco, was called it having been continued from the meeting of May 21, 1987.

Mr. Lawrence Wilson, Attorney at Law, appeared for the San Francisco Police Department.

Mr. Wayne Canterbury, Attorney at Law, appeared on behalf of Luxor Cab Company.

Opening statements were made by Mr. Wayne Canterbury for Luxor Cab Company and Mr. Lawrence Wilson for the San Francisco Police Department.

After listening to the above parties, the matter was taken under submission and the following decision was made.

RESOLUTION NO. 741-87

DECISION

WHEREAS, the Chief of Police recommended that the Police Commission conduct a hearing into the matter of Luxor Cab Company indicating that Luxor Cab Company has violated Appendix F, Section 5, Subdivision (a) of the Charter of the City and County of San Francisco, and

WHEREAS, the Police Commission on this date did conduct a hearing into the matter of Luxor Cab Company and the alleged mentioned violations, and

WHEREAS, after listening to arguments of Mr. Lawrence Wilson of the Police Department Legal Office and Mr. Wayne Canterbury representing Luxor Cab Company, the Commission was convinced that there had at no time been any attempt on Luxor's part to commit the alleged violations as indicated by the Department's Legal Office; therefore be it

RESOLVED, that it is the decision of the Police Commission based on facts presented at this hearing that there has been at no time any attempt on Luxor Cab Company's part to conceal, transfer or violate Appendix F, Section 5, Subdivision (a) of the Charter of the City and County of San Francisco.

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

Recess taken during the hearing of Luxor Cab Company:

7:45 p.m. to 8:00 p.m.

(The entire proceedings were taken in shorthand form by Ms. Liz Carter, CSR, and transcript is on file in the Office of the Police Commission.)

HEARING OF POLICE OFFICER JOSEPH GUMBAN, MISSION STATION (CONTINUED FROM MEETING OF JUNE 2, 1987)

The hearing of the disciplinary charges filed against Police Officer Joseph Y. Gumban, Mission Station, was called it having been continued from the meeting of June 2, 1987.

Police Officer Joseph Y. Gumban appeared in person and was represented by Mr. Fred Butler, Attorney at Law.

Mr. Michael Gash, Attorney at Law, appeared on behalf of the San Francisco Police Department.

The following named witnesses appeared for the Prosecution, were sworn and testified:

Ms. Lena Williamson, 8 Seacliff Avenue, San Francisco, CA
Officer Carol Scatena, Company D
Officer Marlene Wilhoite, Company D
Sergeant Ed Callejas, Company D
Lieutenant Anthony Novello, Traffic Division

After listening to testimony from the above parties, the hearing was continued to Thursday, June 18, 1987 at 4:30 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Davis, Nelder, Owens, Sanchez
ABSENT: Commissioner Giraudo

Recess taken during the hearing of Officer Joseph Y. Gumban:

9:53 p.m. to 9:58 p.m.

(The entire proceedings were taken in shorthand form by Ms. Liz Carter, CSR.)

The meeting, thereafter, was adjourned in memory of former Director of the Division of Criminal Information, Dennis Smith. The Commission observed a moment of silence in his behalf and adjourned at 9:30 p.m.

Lieutenant Willie E. Frazier
Secretary
THE POLICE COMMISSION

≡ Minutes

JUNE 18, 1987 CLOSED SESSION

The Police Commission of the City and County of San Francisco met in their chambers, Room 505-2, Hall of Justice, 850 Bryant Street on Thursday, June 18, 1987 at 1600 hours in Closed Session.

DOCUMENTS DEPT.
OCT 14 1987
SAN FRANCISCO PUBLIC LIBRARY

1. Attorney-Client Conference.

Commissioner Sanchez presiding.

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

JUNE 18, 1987 SPECIAL MEETING

The Police Commission of the City and County of San Francisco met in their chambers, Room 551, Hall of Justice, 850 Bryant Street on Thursday, June 18, 1987 at 1630 hours in a Special Meeting.

AYES: Commissioners Davis, Nelder, Owens, Sanchez
ABSENT: Commissioner Giraudo

HEARING OF POLICE OFFICER JOSEPH Y. GUMBAN, MISSION STATION

Upon completion of direct examination of Officer Gumban by his Attorney, the Commission recessed to dispose of matters on its regular agenda and announced it would reconvened on this item thereafter.

JUNE 18, 1987 REGULAR MEETING

The Police Commission of the City and County of San Francisco met in their chambers, Room 551, Hall of Justice, 850 Bryant Street on Thursday, June 18, 1987 at 1730 hours in a Regular Meeting.

Commissioner Sanchez presiding.

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

APPROVAL OF MINUTES OF MEETING OF APRIL 2, 1987

Approval of Minutes of Meeting of April 2, 1987, the Commissioners having received, approved, and returned copies of same.

APPROVAL OF CONSENT CALENDAR

Recommendation of the City Attorney for settlement of the following claims against City and County of San Francisco:

RESOLUTION NO. 761-87

MARY LYNN & ERIC HAMILTON vs. CITY AND COUNTY OF SAN FRANCISCO

RESOLVED, that the recommendation of the City Attorney for the approval of the settlement of the litigation of Mary Lynn and Eric Hamilton entitled "Mary Lynn and Eric Hamilton vs. City and County of San Francisco, et al" in Superior Court No. 840-154 in the sum of $15,000.00 as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: August 31, 1984

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

RESOLUTION NO. 762-87

PETER TELLER

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Peter Teller in the sum of $134.00 as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: April 18, 1987

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

RESOLUTION NO. 763-87

FRANCISCO RODRIGUEZ

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Francisco Rodriguez in the sum of $111.00 as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: April 6, 1987

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

RESOLUTION NO. 764-87

GEORGINA A. MEEK

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Georgina A. Meek in the sum of $100.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: May 2, 1987

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

RESOLUTION NO. 765-87

THOMAS LLOYD

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Thomas Lloyd in the sum of $88.00 as a the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: May 2, 1987

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

RESOLUTION NO. 766-87

RACHEL HUANG

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Rachel Huang in the sum of $88.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: May 4, 1987

AYES: Commissioners Davis, Giraudo, Nelder, Owens Sanchez

RESOLUTION NO. 767-87

ELAINE WIELAND

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Elaine Wieland in the sum of $88.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: April 18, 1987

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

RESOLUTION NO. 768-87

GABRIEL LANZARIN

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Gabriel Lanzarin in the sum of $88.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: March 9, 1987

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

RESOLUTION NO. 769-87

OLGA BRYSON

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Olga Bryson in the sum of $76.50 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: May 7, 1987

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

RESOLUTION NO. 770-87

GEORGE MYLORDOS

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of George Mylordos in the sum of $76.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: April 14, 1987

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

RESOLUTION NO. 771-87

CHARLES BARRON

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Charles Barron in the sum of $71.90 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: May 11, 1987

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

RESOLUTION NO. 772-87

JEANNE STOUGHTON

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Jeanne Stoughton in the sum of $65.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: April 28, 1987

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

RESOLUTION NO. 773-87

LELAND CHEW

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Leland Chew in the sum of $65.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: April 26, 1987

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

RESOLUTION NO. 774-87

LOUISE GOSHA

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Louise Gosha in the sum of $65.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: May 5, 1987

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

RESOLUTION NO. 775-87

FRANK BRAECKLEIN

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Frank Braecklein in the sum of $65.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: May 5, 1987

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

RESOLUTION NO. 776-87

THOMAS E. STODDARD

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Thomas E. Stoddard in the sum of $65.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: March 17, 1987

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

RESOLUTION NO. 777-87

JOHN COSS

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of John Coss in the sum of $65.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: April 23, 1987

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

RESOLUTION NO. 778-87

JOYCE PLADSON

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Joyce Pladson in the sum of $65.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: April 26, 1987

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

RESOLUTION NO. 779-87

MARGIT BANE

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Margit Bane in the sum of $65.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: April 11, 1987

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

RESOLUTION NO. 780-87

RAY J. PEZZOLO

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Ray J. Pezzolo in the sum of $65.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: April 27, 1987

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

RESOLUTION NO. 781-87

RONALD C. PIMIENTA

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Ronald C. Pimienta in the sum of $65.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: May 8, 1987

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

RESOLUTION NO. 782-87

MARK UNGAR

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Mark Ungar in the sum of $65.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: April 4, 1987

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

RESOLUTION NO. 783-87

MARIA SCHMALLE

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Maria Schmalle in the sum of $65.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: February 9, 1987

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

RESOLUTION NO. 784-87

LEVON FILIAN

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Levon Filian in the sum of $59.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: April 24, 1987

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

POLICE COMMISSION REPORT

Commissioner Sanchez said the first item in under the Brown Act in that the Police Commission met at 4:00 p.m. this date in closed session pertaining to an Attorney-Client Conference and no vote was taken.

He said the second item he would like to introduce as a point of personal privilege as Chairperson of the Commission is to share some thoughts and also to ask the Commission's support as he steps down as the Commission's Chairperson. He continued by saying he has had the opportunity to serve as Chairperson for approximately the last seven (7) years. He said he has now been asked by the Dean of the University of California San Francisco Med School and also by the Chancellor to serve on two major committees for the University of California which require a great deal of his time as a University Professor starting July 1, 1987. He said this would include some out of state travel and visiting other campuses of the University of California system pertaining to admissions and also to programs with Mexico and Latin America. He said he felt it is appropriate, given the time factor that will be required of his new responsibilities, and given the importance of the Police Commission's responsibilities, to step down as Chairperson at this point and to ask this evening for the election of a new Chairperson so that the Commission may proceed with the overall business and focus of the Police Commission. He said he would just like to make one comment before this happens and that is, over the years, he said, he has always felt and will continue to feel that this Commission is by far one of the most important in the city. He said each Commissioner works as a team and it provides all citizens of San Francisco an opportunity to come and address this body. He said he knows it is trying at times but the fact of the matter is he believes this Commission has operated with the policy that it listens to everyone who has desires to speak regardless of their statue in life or government and they are all treated with courtesy and respect. He said this, again, is one of the most important Commissions in the city and is basically a part of the working of a democratic society. Police Services, he said, are critical to that free institution and it requires all of his colleagus, as Commissioners, to actively participate and insure that the public and citizens do feel they can bring concerns and recommendations to this body and feel that there is competence in both this institution and the law enforcement process in this city. He said in overtime he could say it has been operated in the highest of standards. This Commission, he said, has gone through some rough clinical trials but the lines of communications have always been open. The Commission, he said, has always welcomed input from all sectors, public, private, the street. There have been meetings with Low Riders and other meetings all in various communities. He said the dialogue of communications is critical in a free society, and more importantly with this Police Commission, and with the Police as an institution. He said, so with that statement, he would step down as Chair and ask if there would be any nominations for the election of a new Chairperson and he would welcome such nomination.

Commissioner Dr. Juanita Owens said she would like to nominate Commissioner Louis J. Giraudo for the Presidency of the San Francisco Police Commission.

Commissioner Sanchez then said there is a motion to nominate Commissioner Giraudo as Chairperson is there a second?

Commissioner and Vice President of the Police Commission Alfred J. Nelder said he would second the motion and make another motion that all nominations be closed.

Commissioner Sanchez said the second is acknowledged on the nomination and also on the motion closing for the nomination. He then asked if there were any discussions? As there were none he called for the vote to which was unanimous.

AYES: Commissioners Davis, Nelder, Owens, Sanchez

The Police Commission's new President is now Louis J. Giraudo.

Commissioner Nelder said he would like to say to Commissioner Sanchez before he steps down that it is his responsibility as the other senior member of the Commission who has been here some eight (8) years with Commissioner Sanchez as President. He has done an outstanding job. He continued by saying that in his estimation Commissioner Sanchez has been one of the most outstanding Police Commissioners who has ever sat on this Police Commission in the history of the Police Department. Commissioner Nelder said that from his experience, which embraces nearly forty (40) years of dealing with the Police Commission, thirty (30) of it very actively, he would have to say that Commissioner Sanchez has really done an outstanding job over the past seven or eight years and he sat here as Commission President there have been many, many difficult situations that arose which handled with real professionalism. Commissioner Nelder said he feels sure that Commissioner Sanchez' successor, Commissioner Giraudo, will do just as good a job, but he said, he has to take his hat off to Commissioner Sanchez as Commissioner Sanchez has really exemplified how a Police Commission President should conduct business. He said Commissioner Sanchez always had an ear for everybody, he was always kind to everyone, he had a long fuse and he put in endless hours of work that many people are not even remotely aware of, and knowing how other Commissions work, he said, he felt that Commission President Dr. Sanchez, who is stepping down now, is really a credit to the San Francisco Police Department and has been for these many years. He said with that, Former President Sanchez, you have the Commissions blessings and he would make a motion that Commissioner Sanchez be awarded a Certificate of Honor for serving this Commission in that capacity for these past seven years.

Commissioner Owens seconded and it was unanimously approved.

Commissioner Owen Davis in offering his comments said there were three new Commissioners including himself who came on eighteen months ago and it was a baptism of fire as the very next day they became working Commissioners and totally involved.

He said he would have to agree with Commissioner Nelder that if it were not for Commissioner Sanchez' leadership and guidance in understanding what the processes were, the strong leadership in demonstrating patience, the willingness to listen to all sides and be an impartial arbiter of the many kinds of cases encountered, he said, everything may have become chaotic. He said that he personally appreciated that leadership and looks forward to Dr. Sanchez' continued service on the Commission and to still sharing that leadership even if it is only from a different seating position.

Commissioner Giraudo said he would like to thank Commissioner Sanchez for his tireless efforts on behalf of the Police Commission. He said Commissioner Sanchez has served two Mayors in his capacity as President of the Police Commission and has done a fantastic job. Commissioner Giraudo continued by saying that he will do his best to live up to the standard that Commissioner Sanchez has set. He said he would also again offer his thanks to Commissioner Sanchez.

Commissioner Nelder, requesting from the Chair permission to speak which was acknowledged, said that it has been unanimously agreed by the Commission that the Commission Presidency will rotate every year as it is really too much of a burden for one person such as Commissioner Sanchez to sit as President over those many years because it over burdens to the extent that it effected his future in his own personal employment and in his own personal life. He said, so, he just wanted to make that point as it will be an order for the future.

(a) PUBLIC COMMENTS

No public comments.

CHIEF'S REPORT TO THE POLICE COMMISSION

Deputy Chief John Jordan said that on behalf of the Chief and the Police Department he would like to add his endorsement to the Commissioners' comments for Dr. Sanchez with respect to his continued dedication to his service and his role as President of the Commission and he is looking forward to Dr. Sanchez' continuing role as a Commissioner on the San Francisco Police Commission.

POLICE COMMISSION CONSIDERATION OF RESOLUTION OPPOSING PROPOSED AMENDMENT TO THE CITY CHARTER CREATING A GRIEVANCE AND ARBITRATION PROCEDURE FOR CLASSIFIED CIVIL SERVICE EMPLOYEES

Deputy Chief John Jordan said the proposed binding Arbitration Charter Amendment would have a disastrous effect on the operations of the San Francisco Police Department and other City Agencies both in terms of cost and personal time. He said during 1986/87 Fiscal year approximately 415 disciplinary actions have been instituted to date. He said if only 5% of these cases were to proceed to arbitration there would be a substantial impact on the shrinking financial resources of the Department.

He said additionally 15 to 20 grievances are filed annually regarding non-disciplinary disputes. He said the budget cost of arbitration includes, but is not limited to fees for arbitrators, stenographers, witness fees, which may include overtime payments as well as discovery cost which may include deposition expenses. He said because of the proposals numerous variables effecting cost a precise cost estimate to the San Francisco Police Department or the City cannot be determined. He said the City's Budget Analyst Cost Statement says that, "additional cost may be incurred the amount of which could be substantial." He said in addition to the actual budget expenses, the number of staff hours, which will be diverted from current task and devoted to this process, is incalculable but certainly substantial. He said this diversion of current resources to implement new procedures required by the proposed amendment will likely result in reduced police services to the public. He said he would urge the Commission to pass the resolution submitted by the Department which will express to the Board of Supervisors Rules Committee the Commission's opposition to this unnecessary and costly proposal.

Mr. Robert Barry, President of the San Francisco Police Officers Association thanked the Commisson for the opportunity to appear tonight and said that he reviewed the file in the Commission's Office and the Legislative Office of the Board of Supervisors and there is no Charter Amendment available at this time to this Commission as approved to form by the City Attorney. He said there is a draft amendment presented to Board of Supervisors Legislative Chair several weeks ago that was written by a Union Lawyer but as of this date there is nothing over there before the Board as to what the Board is going to consider tomorrow. He said he would ask on that basis alone that the Police Commission not to vote on this tonight and vote only after seeing the written amendment because it has substantial and will be substantially changed from what the Commission may be privy to at this point.

After further discussion on this matter, Commissioner Sanchez read into the record the contents of the resolution and made a motion to accept is as recommended. The motion was seconded by Commissioner Owens and unanimously approved.

RESOLUTION NO. 754-87

PROPOSED CHARTER AMENDMENT CREATING A GRIEVANCE AND BINDING ARBITRATION PROCEDURE FOR CLASSIFIED CIVIL SERVICE EMPLOYEES

WHEREAS, at its special meeting of Friday, June 19, 1987, the Rules Committee of the Board of Supervisors will consider a resolution to submit to the voters a Charter amendment adding a section to the Charter which would establish a grievance arbitration procedure for classified civil service employees, and

WHEREAS, costs of implementing the proposal include fees paid to arbitrators, witnesses, stenographers, related expenditures and staff time required for additional preparation and presentation of matters carried to arbitration, and

WHEREAS, the resources necessary to implement procedures required by this proposal would be drawn from shrinking budget allocations and reduced personnel, which could result in a reduction in police services to the public, and

WHEREAS, as proposed, the measure would allow final and binding arbitration after disciplinary procedures affecting both sworn and civilian employees, which are currently by Charter the responsibility of the Chief of Police, the Police Commission or an independent hearing officer, thus further delaying the resolution of accusations of misconduct and substandard work performance, and

WHEREAS, penalties imposed by the Police Commission, the Chief of Police or an independent hearing officer (ranging from reprimands to terminations) could be modified or overruled by an arbitrator lacking a working understanding of the operations of a para-military agency whose sworn officers must exercise split-second judgment in life and death situations, and,

WHEREAS, there has been shown no pattern of arbitrary, unfair, or discriminatory decision making by those currently charged with responsibility,

THEREFORE, BE IT RESOLVED BY THE POLICE COMMISSION OF THE CITY AND COUNTY OF SAN FRANCISCO, that it opposes any amendment to the Charter which would permit binding arbitration of employee grievances.

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

RESOLUTION NO. 760-87

SETTING OF DATE FOR HEARING OF POLICE OFFICER JOSEPH Y. GUMBAN, MISSION STATION

WHEREAS, the date for the setting of the hearing of the disciplinary charges filed against Police Officer Joseph Y. Gumban, Mission Station, was called it having been scheduled for this date; and

WHEREAS, on June 6, 1987, Willis A. Casey, Acting Chief of Police of the San Francisco Police Department, made and served charges against Police Officer Joseph Y. Gumban as follows:

SPECIFICATION NO. 6

Engaging in conduct which reflects discredit upon the Department (violation of Rule A-9 of General Order D-1 of the San Francisco Police Department);

SPECIFICATION NO. 7

Failure to obey the lawful order of a superior (violation of Rule A-11 of General Order D-1 of the San Francisco Police Department);

SPECIFICATION NO. 8

Failure to report for duty as scheduled (violation of Rule A-9 of General Order D-1 of the San Francisco Police Department).

and

WHEREAS, the Police Commission pursuant to Section 8.343 of the Charter of the City and County of San Francisco duly heard and tried previous charges this date, June 18, 1987, (See Resolution No. 759) against Police Officer Joseph Y. Gumban, and

WHEREAS, the Police Commission's findings and decision resulted in terminating the services of Joseph Y. Gumban as a San Francisco Police Officer; therefore be it

RESOLVED, that the current and pending charges of violating the Rules and Procedures of the San Francisco Police Department filed against Police Officer Joseph Y. Gumban, Mission Station, be, and the same are hereby continued off calendar.

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

RESOLUTION NO. 755-87

RESETTING OF DATE FOR HEARING OF POLICE OFFICER STEPHEN D. LYSTER, CRIMINAL INFORMATION DIVISION

WHEREAS, the date for the resetting of date for the hearing of the disciplinary charges filed against Police Officer Stephen D. Lyster, Criminal Information Division, was called it having been scheduled for this date; and

WHEREAS, Mr. Michael Gash, Attorney at Law, representing the San Francisco Police Department, requested the date for the hearing of the disciplinary charges filed against Officer Stephen D. Lyster be set for July 9, 1987; therefore be it

RESOLVED, that the date for the hearing of the disciplinary charges filed against Police Officer Stephen D. Lyster, Criminal Information Division, is scheduled for Thursday, July 9, 1987 at 5:30 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

RECOMMENDATION OF THE CHIEF OF POLICE THAT THE POLICE COMMISSION REVOKE THE TAXICAB MEDALLION (#203) HELD BY MR. JAMES DODDS

Lieutenant Greg Winters in addressing the Commission said that Mr. Dodds is present at tonight's meeting and had informed the Lieutenant that had he been able to, on March 12th, he would have requested a suspension of operation of his permit for 90 days. Lieutenant Winters said that Mr. Dodds also said that he is ready and willing to complete his driver testing has paid his back taxes and is ready to commence driving under his taxicab permit. The Lieutenant said that he would suggest that the Commission continue Mr. Dodds status for six (6) months and then come back for a Status report on him on December.

Commissioner Nelder then said he would make a motion to continue it for six (6) months. It was seconded by Commissioner Owens and unanimously approved.

RESOLUTION NO. 756-87

RECOMMENDATION OF THE CHIEF THAT THE POLICE COMMISSION REVOKE TAXICAB MEDALLION #203 HELD BY JAMES DODDS (CONTINUED FROM MEETING OF MARCH 12, 1987)

WHEREAS, the hearing on the recommendation of the Chief of Police that the Police Commission revoke Taxicab Medallion #203 held by James R. Dodds was called, it having been continued from the meeting of March 12, 1987; and

WHEREAS, Mr. James Dodds appeared before the Police Commission, and

WHEREAS, it was requested by Mr. James Dodds and Lieutenant Gregory Winters, Permit Section, that the date for the hearing on the revocation of Taxicab Medallion #203 be continued for six months; therefore be it

RESOLVED, that the date for the hearing on the recommendation of the Chief of Police that the Police Commission revoke Taxicab Medallion #203 held by James R. Dodds is set for Thursday, December 17, 1987 at 5:30 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

HEARING ON THE RECOMMENDATION OF THE CHIEF OF POLICE THAT THE POLICE COMMISSION DENY THE REQUEST OF MR. EDMUND JUNG TO SUSPEND OPERATION OF HIS MOTORIZED RICKSHAW PERMITS

Mr. Steven Diaz said that he was the Attorney for Mr. Jung and that Item #11 is also a matter that they would like to object to because notice of the proceeding was mailed to him and his client on 12:02 p.m. Friday and it was not received until the following day. He said there was indicated in that mail that there was supposed to be an enclosure but it was not so enclosed and he did not have any information with which to have aired a response and so he would request that it be put over for a reasonable period of time. He said item #10 (Hearing on the Recommendation of the Chief of Police that the Police Commission deny the request of Mr. Edmund Jung to Suspend Operation of his Motorized Rickshaw Permits) is a matter brought before the Commission at their request and they are prepared to go on it at this time but they would have no objection if it went over and was heard at the same time as #11 (Hearing on the Recommendation of the Chief of Police that The Police Commission Revoke Motorized Rickshaw Permits MR-1, MR-2 and MR-3 held by Mr. Edmund Jung).

Upon request by Commissioner Giraudo, Lieutenant Winters gave an overview of what the recommendation for revocation was all about in #11. He said it was based solely on non-operation of the Permits. After much discussion and legal quotations by both attorneys, (Lt. Winters and Mr. Diaz), Commissioner Nelder said he would make a motion to continue the matter for one week. It was seconded by Commissioner Owens and unanimously approved for one week continuance. Commissioner Giraudo then advised Lieutenant Winters and Mr. Diaz that what he would like to have happen is to have both of them come back in a week prepared to put on whatever case they think they need to put on on both matters and the Commission will consider both matters seriotim and make a decision.

RESOLUTION NO. 758-87

HEARING OF RECRUIT OFFICER DESIREE T. GARRICK, POLICE ACADEMY

WHEREAS, the date for the hearing of the disciplinary charges filed against Recruit Officer Desiree T. Garrick, Police Academy, was called, it having been scheduled for this date; and

WHEREAS, it was requested by Jo Nell Biancalana, Attorney at Law, representing Recruit Officer Desiree Garrick, that the date for the hearing be continued to July 9, 1987; therefore be it

RESOLVED, that the date for the hearing of the disciplinary charges filed against Recruit Officer Desiree T. Garrick, Police Academy, is hereby continued to Thursday, July 9, 1987 at 5:30 p.m.in Room 551, Hall of Justice.

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

Thereafter, the Commission reconvened the hearing on Police Officer Joseph Y. Gumban with questioning of Officer Gumban by Department's Attorney, Mr. Michael Gash.

HEARING OF POLICE OFFICER JOSEPH Y. GUMBAN, MISSION STATION (CONTINUED FROM MEETING OF JUNE 11, 1987)

The hearing of Police Officer Joseph Y. Gumban, Mission Station, was called it having been continued from the meeting of June 11, 1987. Officer Joseph Y. Gumban was charged with violating the Rules and Procedures as follows:

SPECIFICATION NO. 1

Engaging in conduct which tends to subvert the good order, efficiency or discipline of the Department or which reflects discredit upon the Department (violation of Rule A-9 of General Order D-1 of the San Francisco Police Department);

SPECIFICATION NO. 2

Failure to acquire and maintain a working knowledge of all information required for the proper performance of duties (violation of Rule A-7 of General Order D-1 of the San Francisco Police Department);

SPECIFICATION NO. 3

Failure to perform assigned duties promptly and according to Department procedures (violation of Rule A-5 of General Order D-1 of the San Francisco Police Department);

SPECIFICATION NO. 4

Failure to report for duty at the time and place required by assignment (violation of Rule A-4 of General Order D-1 of the San Francisco Police Department)

SPECIFICATION NO. 5

Failure to appear at a specially scheduled Police Commission Hearing (violation of Rule A-9 of General Order D-1 of the San Francisco Police Department).

in a properly verified complaint by Frank M. Jordan, Chief of Police of the San Francisco Police Department.

Officer Gumban appeared in person and was represented by Mr. Fred Butler, Attorney at Law.

Mr. Michael E. Gash, Attorney at Law, appeared on behalf of the San Francisco Police Department.

The following named witness was called by the Defense, was sworn and testified:

Officer Joseph Y. Gumban, Company D

The following exhibit was entered into evidence by the Defense:

Exhibit D Letter from Dr. M. Maroney to Chief of Police dated June 17, 1987

Closing statements were made by both Prosecuting and Defense Attorneys.

The Commission took the matter under submission, recessed and returned, concluding that Specifications No. 1, No. 2, No. 3, No. 4 and No. 5 are all sustained.

Based on those findings, the Commission requested a recommendation from the Acting Chief of Police John Jordan. It is the recommendation of the Acting Chief that Officer Joseph Y. Gumban be terminated.

The Commission again took the matter under submission and the following resolution was adopted:

RESOLUTION NO. 759-87

DECISION - HEARING OF OFFICER JOSEPH Y. GUMBAN, MISSION STATION

WHEREAS, on December 12, 1986, Frank M. Jordan, Chief of Police of the San Francisco Police Department, made and served charges against Police Officer Joseph Y. Gumban as follows:

SPECIFICATION NO. 1

Engaging in conduct which tends to subvert the good order, efficiency or discipline of the Department or which reflects discredit upon the Department (violation of Rule A-9 of General Order D-1 of the San Francisco Police Department);

(1) At all times herein mentioned, Joseph Y. Gumban, Star No. 945, was and is a probationary police officer employed by the San Francisco Police Department and is assigned to the Golden Gate Division, Mission Station;

(2) As a police officer, Officer Gumban (hereinafter "the accused") was and is responsible for knowing and obeying the rules, orders and procedures of the San Francisco Police Department;

(3) On or about July 14, 1986, the accused was assigned to Station Duty during the swing watch at Mission Station;

(4) On or about July 14, 1986, at approximately 1845 hours Officer Marlene Willhoite, Star No. 2052 was booking a 647f PC suspect. When Officer Willhoite told the suspect to remove his jacket as part of the booking search, the suspect took his jacket and threw it at Officer Willhoite causing the jacket to cover Officer Willhoite's head.

(5) Officer Willhoite immediately removed the jacket from her head and controlled the suspect by bringing him to the ground.

(6) Officer Christine Lee, Star No. 1437, Sergeant Melinda Pengal, Star No. 2076 and the accused responded to the booking area and assisted Officer Willhoite in controlling the prisoner;

(7) Officer Lee and Officer Willhoite brought the suspect into the cell area, where Officer Willhoite had the suspect on the ground and under control. At this time, while Officer Willhoite had the suspect on the ground and under control, the accused without provocation approached the suspect and kicked the suspect in the right side of his lower back;

(8) By kicking a prisoner who was under the control of another officer without provocation, the accused has engaged in conduct which tends to subvert the good order, efficiency or discipline of the Department or which reflects discredit upon the Department which constitutes a violation of rule A-9 of General Order D-1 of the San Francisco Police Department, which states:

"Any breach of the peace, neglect of duty, misconduct or any conduct on the part of any member either within or without the state which tends to subvert the good order, efficiency or discipline of the Department or any member thereof or that is prejudicial to the efficiency and discipline of the Department, though such offenses are not specifically laid down in these Rules and Procedures shall be considered unofficer-like conduct triable and punishable by the Board."

SPECIFICATION NO. 2

Failure to acquire and maintain a working knowledge of all information required for the proper performance of duties (violation of Rule A-7 of General Order D-1 of the San Francisco Police Department);

(9) The allegations contained in paragraphs (1) through (8) of Specification No. 1 are hereby incorporated by reference as if fully set forth herein;

(10) On or about August 10, 1986, the accused was involved in a building search in the 2200 block of Market Street with other officers. During the course of the building search, other officers discovered the accused in total darkness with his service weapon drawn and no flashlight;

(11) The proper procedure for conducting a building search includes keeping your partner in sight and holding your flashlight away from the body with your weak hand;

(12) On or about September 7, 1986, the accused received further information from a burglary victim regarding a suspect. The burglary victim wanted to notify the reporting officers, Officers Carol Scatena, Star No. 1490 and Timothy Louie, Star No. 1125, that she had recently observed the suspect in the immediate area checking different addresses. The accused informed the burglary victim to call back later when the officers would be available. The accused then informed Officer Scatena that a lady had called, that she did not wish to leave her name and that it was not important;

(13) The accused should have informed the reporting officers of the nature of the call and provided the officers with the name of the caller;

(14) On or about September 17, 1986, the accused was assigned to station duty. While on station duty the accused was informed by a citizen that a vehicle was on fire a short distance from the station. After receiving the information, the accused informed the citizen that there was a public phone located directly behind the citizen and advised the citizen to dial 911 and advise the police dispatcher of the incident;

(15) The accused should have received the information from the citizen, contacted headquarters himself and then advise headquarters of the incident;

(16) The accused by conducting a building search in total darkness, with his service weapon drawn and without a flashlight, by failing to notify two officers that a victim to a burglary had called to inform them that the suspect was in the immediate area checking addresses; and by failing to follow the proper procedure for handling a report of an emergency from a citizen has engaged in conduct which establishes that he had failed to acquire and

maintain a working knowledge of all information required for the proper performance of his duties, which constitute violations of Rule A-7 of General Order D-1 of the San Francisco Police Department, which states:

"Members shall acquire and maintain a working knowledge of all information required for the proper performance of their duties."

SPECIFICATION NO. 3

Failure to perform assigned duties promptly and according to Department procedures (violation of Rule A-5 of General Order D-1 of the San Francisco Police Department);

(17) The allegations contained in paragraphs (1) through (8) of Specification No. 1 and paragraphs (9) through (16) of Specification No. 2 are hereby incorporated by reference as if fully set forth herein;

(18) On or about July 26, 1986, the accused and his partner arrested a suspect for violating Section 10852 of the Vehicle Code (tampering with a vehicle). During this arrest the accused and his partner also observed and arrested another suspect for violating Section 10851 of the Vehicle Code (Theft and Unlawful Driving or Taking of a Vehicle). After transporting the suspects to Mission Station, it took the accused four hours and four report rewrites before he was able to submit an acceptable report;

(19) The accused by taking four hours to write and rewrite a police report of an arrest for violations of 10852 and 10851 of the Vehicle Code, has failed to perform his duties promptly and according to Department procedures, which constitutes a violation of Rule A-5 of General Order D-1 of the San Francisco Police Department, which states:

"Members shall perform their assigned duties promptly and according to Department procedures."

SPECIFICATION NO. 4

Failure to report for duty at the time and place required by assignment (violation of Rule A-4 of General Order D-1 of the San Francisco Police Department).

(20) The allegations contained in paragraphs (1) through (8) of Specification No. 1 and paragraphs (9) through (16) of Specification No. 2 and paragraphs (17) through (19) of Specification No. 3 are hereby incorporated by reference as if fully set forth herein;

(21) On or about August 21, 1986 the accused was assigned to Station Duty at Mission Station. At or about 0305 hours the accused was relieved for a meal period. When the accused had failed to return to duty by 0440 hours an attempt was made to locate him. The accused was located at Kerry's Restaurant on Army Street. When located the accused stated he was talking and would return to his assignment.

(22) On or about August 30, 1986, the accused requested to be carried on sick leave for one (1) watch, which was granted. On or about August 31, 1986 the accused failed to report for duty as scheduled. The Platoon Commander confirmed the request for sick leave for the previous watch and attempted to contact the accused at his residence. The Platoon Commander was unable to contact the accused. A unit was dispatched to the accused's residence, but the accused was not home. The accused was listed as absent without leave for August 31, 1986;

(23) The accused by failing to return promptly to his assigned duty as station officer on or about August 21, 1986 after taking a meal break and by being absent without leave on August 31, 1986, has engaged in conduct which constitutes a violation of Rule A-4 of General Order D-1 of the San Francisco Police Department, which states:

"Members shall report for duty at the time and place required by assignment and shall be physically and mentally fit to perform their duties."

WHEREAS, on May 21, 1987, Frank M. Jordan, Chief of Police of the San Francisco Police Department, made and served charges against Police Officer Joseph Y. Gumban as follows:

SPECIFICATION NO. 5

Failure to appear at a specially scheduled Police Commission Hearing (violation of Rule A-9 of General Order D-1 of the San Francisco Police Department).

(1) At all times herein mentioned, Joseph Y. Gumban, Star No. 945, (hereinafter referred to as "the accused") was and is a Police Officer, employed by the San Francisco Police Department, assigned to the Golden Gate Division - Mission Station;

(2) As a police officer, the accused was and is responsible for knowing and obeying the rules, orders and procedures of the San Francisco Police Department;

(3) The allegations contained in Specification No. 1, paragraphs (1) through (8), Specification No. 2, paragraphs (9) through (16), Specification No. 3, paragraphs (17) through (19), and Specification No. 4, paragraphs (20) through (23), of the charges filed against the accused with the Police Commission, on or about December 11, 1986, are incorporated by reference as if fully set forth herein;

(4) On or about April 30, 1987, the Honorable Police Commission, at the request of Mr. Michael E. Gash, Attorney at Law, representing the San Francisco Police Department, and Mr. David Clisham, on behalf of the accused, requested a special Police Commission Meeting for the hearing of the disciplinary charges filed against the accused. The Honorable Police Commission granted this request and scheduled a special Police Commission Meeting for May 20, 1987 at 1000 hours, as the date for the accused's hearing;

(5) On May 20, 1987, at the specially scheduled Police Commission Hearing of the disciplinary charges filed against the accused, Mr. Fred Butler, the representative for the accused, appeared as scheduled, however, the accused failed to appear;

(6) The accused, by failing to appear before the Honorable Police Commission on May 20, 1987, after this matter was specially scheduled at the request of the accused's representative, has engaged in conduct which constitutes a violation of Rule A-9 of General Order D-1 of the San Francisco Police Department, which states:

"Any breach of the peace, neglect of duty, misconduct or any conduct on the part of any member either within or without the state which tends to subvert the good order, efficiency or discipline of the Department or which reflects discredit upon the Department or any member thereof or that is prejudicial to the efficiency and discipline of the Department, though such offenses are not specifically defined or laid down in these Rules and Procedures shall be considered unofficer-like conduct triable and punishable by the Board."

and

WHEREAS, a hearing on said charges was held before the Police Commission pursuant to Section 8.343 of the Charter of the City and County of San Francisco on Wednesday, May 20, 1987; Tuesday, June 2, 1987; Thursday, June 11, 1987 and Thursday, June 18, 1987, and on Thursday, June 18, 1987, the matter was submitted to the Police Commission for decision; and

WHEREAS, the Commission finds that the allegations contained in Specification No. 1, Specification No. 2, Specification No. 3, Specification No. 4 and Specification No. 5 as preferred by the Chief of Police against Police Officer Joseph Y. Gumban are sustained by a preponderance of the evidence presented; therefore be it

RESOLVED, that based on these findings, consistent with the Commission's duty to protect the health, safety and general welfare of the citizens of the City and County of San Francisco and the public in general, and in order to promote efficiency and good discipline in the San Francisco Police Department, the Police Commission orders the following discipline be imposed:

Specification No. 1	)	
Specification No. 2	)	
Specification No. 3	)	Termination
Specification No. 4	)	
Specification No. 5	)	

RESOLVED, that said termination, effective immediately, be, and the same is hereby affirmed and approved.

AYES: Commissioners Davis, Nelder, Owens, Sanchez
ABSENT: Commissioner Giraudo

(The entire proceedings were taken in shorthand form by Ms. Linda Pransky, CSR.)

Recesses taken during the hearing of Officer Joseph Y. Gumban:

6:00 p.m. to 7:35 p.m.
9:20 p.m. to 9:30 p.m.
9:35 p.m. to 9:55 p.m.

The meeting, thereafter, was adjourned in memory of Retired Police Officer Paul McGoran and Inspector Calvin Nutting's Mother and her sister, Mrs. Anne Dee. The Commission observed a moment of silence for all persons named and adjourned in their memory at 10:30 p.m.

Willie E. Frazier

Lieutenant Willie E. Frazier
Secretary
THE POLICE COMMISSION

F
45
2
5/87

= Minutes

JUNE 25, 1987 SPECIAL MEETING

The Police Commission of the City and County of San Francisco met in their chambers, Room 505-2, Hall of Justice, 850 Bryant Street on Thursday, June 25, 1987 at 1700 hours in Closed Session.

1. Attorney-Client Conference.

DOCUMENTS DEPT.
OCT 14 1987
SAN FRANCISCO
PUBLIC LIBRARY

Commissioner Giraudo presiding.

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

JUNE 25, 1987 REGULAR MEETING

The Police Commission of the City and County of San Francisco met in their chambers, Room 551, Hall of Justice, 850 Bryant Street on Thursday, June 25, 1987 at 1730 hours in a Regular Meeting.

Commissioner Giraudo presiding.

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

APPROVAL OF MINUTES OF MEETING OF APRIL 9, 1987

Approval of Minutes of Meeting of April 9, 1987, the Commissioners having received, approved and returned copies of same.

APPROVAL OF CONSENT CALENDAR

Recommendation of the City Attorney for settlement of the following claims against City and County of San Francisco:

RESOLUTION NO. 789-87

KEVIN SMITH vs. CITY & COUNTY OF SAN FRANCISCO, et al

RESOLVED, that the recommendation of the City Attorney for the approval of the settlement of the litigation of Kevin Smith in the sum of $5,000.00 entitled "Kevin Smith vs. City and County of San Francisco, et al" in Superior Court No. 856-784 as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: December 15, 1985

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

RESOLUTION NO. 790-87

RONALD WAITS vs. CITY & COUNTY OF SAN FRANCISCO

RESOLVED, that the recommendation of the City Attorney for approval of the settlement of the litigation of Ronald Waits in the sum of $4,500.00 entitled "Ronald Waits vs. City and County of San Francisco, et al" in Superior Court No. 825-356 as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: November 3, 1983

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

RESOLUTION NO. 791-87

ROBERT JAMES PEMBERTON

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Robert James Pemberton in the sum of $2,487.12 as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: February 26, 1987

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

RESOLUTION NO. 792-87

EDNA HOLLOWAY vs. CITY AND COUNTY OF SAN FRANCISCO, et al

RESOLVED, that the recommendation of the City Attorney for the approval of the settlement of the litigation of Edna Holloway in the sum of $2,000.00 in Municipal Court No. 899-551 entitled "Edna Holloway vs. City and County of San Francisco, et al" as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: December 7, 1984

AYES: Commissioners Davis, Giraudo, Nelder, Owens Sanchez

RESOLUTION NO. 793-87

RAFAEL SANDOVAL

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Rafael Sandoval in the sum of $1,277.38 as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: January 28, 1987

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

RESOLUTION NO. 794-87

FARMERS INSURANCE CO. (INS: ALI HAMMID)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Farmers Insurance Company (Insured: Ali Hammid) in the sum of $869.32 as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: November 6, 1986

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

RESOLUTION NO. 795-87

C.S.A.A. (INS: HILDA BOUIE)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of California State Automobile Association (Insured: Hilda Bouie) in the sum of $753.41 as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: January 27, 1987

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

RESOLUTION NO. 796-87

DAVID LOVE

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of David Love in the sum of $700.00 as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: February 13, 1987

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

RESOLUTION NO. 797-87

BUDGET RENT-A-CAR

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Budget Rent-A-Car in the sum of $604.44 as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: December 19, 1986

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

RESOLUTION NO. 798-87

BEN LEVY

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Ben Levy in the sum of $512.70 as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: February 2, 1987

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

RESOLUTION NO. 799-87

STATE FARM INSURANCE (INS: ARDEN ELKINS)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of State Farm Insurance (Insured: Arden Elkins) in the sum of $441.74 as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: March 9, 1987

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

RESOLUTION NO. 800-87

JOHN KUKIELKA

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of John Kukielka in the sum of $265.50 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: March 19, 1987

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

RESOLUTION NO. 801-87

CYNTHIA L. COX-WOODRING

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Cynthia L. Cox-Woodring in the sum of $117.73 as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: February 3, 1987

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

RESOLUTION NO. 802-87

KEVIN COLLINS

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Kevin Collins in the sum of $100.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: April 28, 1987

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

RESOLUTION NO. 803-87

DUJO DRAZINA

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Dujo Drazina in the sum of $99.50 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: May 15, 1987

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

RESOLUTION NO. 804-87

ROSALIND JEAN DAVIDSON

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Rosalind Jean Davidson in the sum of $76.50 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: May 24, 1987

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

RESOLUTION NO. 805-87

JULIE CLAUSSEN

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Julie Claussen in the sum of $69.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: May 19, 1987

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

RESOLUTION NO. 806-87

MARA BINKLEY

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Mara Binkley in the sum of $65.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: May 10, 1987

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

RESOLUTION NO. 807-87

LUPE CORTEZ

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Lupe Cortez in the sum of $65.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: March 23, 1987

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

RESOLUTION NO. 808-87

MERLIN HERNANDEZ aka RICHARDSON

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Merlin Hernandez aka Richardson in the sum of $65.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: May 18, 1987

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

RESOLUTION NO. 809-87

BOB KAUFMAN

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Bob Kaufman in the sum of $65.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: April 29, 1987

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

RESOLUTION NO. 810-87

JO FRANKLIN

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Jo Franklin in the sum of $65.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: May 22, 1987

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

RESOLUTION NO. 811-87

NORMAN LEONARD

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Norman Leonard in the sum of $65.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: May 21, 1987

AYES: Commissioners Davis, Giraudo, Nelder, Owens Sanchez

RESOLUTION NO. 812-87

JULIE ANN LESLIE

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Julie Ann Leslie in the sum of $65.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: May 11, 1987

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

RESOLUTION NO. 813-87

LUCY A. LINDSEY

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Lucy A. Lindsey in the sum of $65.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: May 18, 1987

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

RESOLUTION NO. 814-87

EMELINE MANN

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Emeline Mann in the sum of $65.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: May 26, 1987

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

RESOLUTION NO. 815-87

VERNON PRESTON, JR

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Vernon Preston, Jr. in the sum of $65.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: April 3, 1987

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

RESOLUTION NO. 816-87

LOREN ZULTOWSKY

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Loren Zultowsky in the sum of $65.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: May 20, 1987

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

RESOLUTION NO. 817-87

EVELYN B. COFFEY

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Evelyn B. Coffey in the sum of $50.00 as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: May 21, 1987

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

POLICE COMMISSION REPORT

Commissioner Giraudo said that the Police Commission met this date in closed session pertaining to an Attorney-Client Conference and no vote was taken.

(a) PUBLIC COMMENTS

No public comments.

CHIEF'S REPORT TO THE POLICE COMMISSION

Chief Jordan said that most of the matters he had left on his desk when he left had been taken care of and he would have to compliment Deputy Chief Jack Jordan for handling the job of acting Chief in his absence.

REQUEST OF THE CHIEF OF POLICE FOR A FEE SCHEDULE FOR COMPUTERIZED RADIO DISPATCH RECORDS

Lt. Harlan Wilson from the Records Room of the Department and said the reason for the request comes from two circumstances. He said one, numerous citizens have been requesting computer assisted dispatch readouts and two, according to the Government Code they are considered public records and should be made available to those citizens. He said his unit did a time and motion study to find out just how much it would cost to provide this information and arrived at two dollars for the computer print out and seven dollars for a micro fis obtainment of that information. He said there now appears to be approximately 200 request that will be coming in on a yearly basis for this service. Commissioner Nelder said he would move approval of this request, Commissioner Davis seconded and it was unanimously approved.

RESOLUTION NO. 786-87

FEE SCHEDULE FOR COMPUTERIZED RADIO DISPATCH RECORDS

WHEREAS, at the present time a fee is not charged for computerized radio dispatch records, and

WHEREAS, Section 1450 of the Municipal Police Code states that the Police Commission, with the concurrence of the Controller, shall fix such fees to adequately cover the cost of reproducing, handling and furnishing all such material, and

WHEREAS, the Controller concurs with this recommendation; therefore be it

RESOLVED, that the San Francisco Police Commission approves the adoption of a $2.00 fee schedule for retrieval of the subject information from the "on-line" data base and $7.00 for retrieval of the subject information from the "off-line" data base.

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

REQUEST OF THE CHIEF OF POLICE FOR APPROVAL OF THE PENDING APPOINTMENT OF DR. R. CLAYTON PARSON TO THE POSITION OF POLICE PHYSICIAN

Chief Jordan said the current police physician, Dr. Norman Steiner, is now retiring on July 3rd so in the interest of continuity and of maintaining a police physician position in the Department he would like to have Dr. Clayton Parson appointed on an interim basis so that the Department can continue to pursue the matter as discussed previously. He said the Department would like to have a police physician on line so that there is not a vacuum in that important area when Dr. Steiner retires.

Commissioner Giraudo advised the Chief that the Commission intends to approve the interim appointment and has asked Lieutenant Frazier to come back to the Commission with a thorough job description of the Police Physician's position as well as a summary of other services that are contracted out that are provided for the Department. He said the Commission has also asked for a complete resume of Dr. Clayton Parson and it is hoped that in short order the Commission will be able to be responsive to the Department's desire for a permanent appointment and decide whether or not there is a more detailed process the Commission would like to go through in regard to this position.

Commissioner Nelder said he felt that the Chief needs someone to do that job until a permanent appointment is made and he would therefore make the motion for approval of this item.

Commissioner Sanchez said he would second that motion and it was thereafter unanimously approved.

RESOLUTION NO. 787-87

PENDING APPOINTMENT OF DR. R. CLAYTON PARSON AS POLICE PHYSICIAN

RESOLVED, that the Police Commission hereby authorizes the interim appointment of Dr. R. Clayton Parson as Police Physician.

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

REQUEST OF CHIEF OF POLICE THAT THE POLICE COMMISSION ADOPT A RESOLUTION SUPPORTING THE DEPARTMENT'S PROPOSED $28 MILLION BOND ISSUE TO BE DESIGNATED AS PROPOSITION A ON THE NOVEMBER BALLOT

Lieutenant Tom Suttmeier of the Planning Division came forward and advised the Commission that the purpose for the Resolution would be to urge the Registrar of Voters, Mr. Jay Patterson to designate the Department's Bond Proposition, Proposition A and then give the Department the Poll position. Commissioner Nelder said he felt this is in the best interest of the Department and he made a motion for approval. Seconded by Commissioner Owens, it was unanimously approved.

RESOLUTION NO. 785-87

RESOLUTION SUPPORTING THE DEPARTMENT'S PROPOSED $28 MILLION BOND ISSUE TO BE DESIGNATED AS PROPOSITION A ON THE NOVEMBER BALLOT

WHEREAS, the Board of Supervisors has seen fit to place the $28 million bond issue for the renovation of police facilities on the November 1987 General Election ballot; and

WHEREAS, the public safety concerns of the citizens of the City and County of San Francisco should be of the highest priority; therefore be it

RESOLVED, that the Police Commission of the City and County of San Francisco request that Jay Patterson, Registrar of Voters, designate our bond issue as Proposition A.

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

HEARING ON THE RECOMMENDATION OF THE CHIEF OF POLICE THAT THE POLICE COMMISSION DENY THE REQUEST OF MR. EDMUND JUNG TO SUSPEND OPERATION OF HIS MOTORIZED RICKSHAW PERMITS

Commissioner Giraudo advised Mr. Diaz, Attorney for Mr. Jung and Lieutenant Winters representing the Permit Section of the San Francisco Police Department that the Commission had received their briefs this afternoon at 5:00 p.m.. He said he knew that some of the briefs were messengered early today but because they were not able to review them. He said the brief skimming that was done has prompted he and his fellow Commisioners to ask that this hearing be delayed another two weeks so that they can read those briefs and if further questions arise they may be addressed prior to the hearing. He said the reason he is suggesting two weeks is that the Commisson will not have a quorum on July 2nd.

Commissioner Nelder said that he would make a motion for the matter to be continued to July 9, 1987. Commissioner Davis seconded and it was unanimously approved.

HEARING ON THE RECOMMENDATION OF THE CHIEF OF POLICE THAT THE POLICE COMMISSION REVOKE MOTORIZED RICKSHAW PERMITS MR-1, MR-2 AND MR-3 HELD BY MR. EDMUND JUNG.

Continued to July 9, 1987.

HEARING OF PATROL SPECIAL OFFICER ELBERT TAYLOR, RICHMOND POLICE DISTRICT

The hearing of the disciplinary charges filed against Patrol Special Officer Elbert Taylor, Richmond Police District, was called it having been set for this date. Patrol Special Officer Elbert Taylor was charged with violating the Rules and Procedures as follows:

CHARGE NO. 1

Failure to properly report a police incident which came to his attention (violation of Rule 3.413 of the Rules and Procedures for Patrol Special Officers of the San Francisco Police Department);

CHARGE NO. 2

Engaging in conduct which brings discredit on the Department (violation of Rule 2.13 of the Rules and Procedures for Patrol Special Officers of the San Francisco Police Department).

in a properly verified complaint by Frank M. Jordan, Chief of Police of the San Francisco Police Department.

Mr. Jerry Akins, Attorney at Law, appeared on behalf of the San Francisco Police Department.

Patrol Special Officer Elbert Taylor appeared in person and was represented by Mr. Douglas Van Vlear, Attorney at Law.

An opening statement was made by Mr. Jerry Akins for the Prosecution.

Mr. Douglas Van Vlear made an opening statement for the Defense.

The following named witnesses appeared for the Prosecution, were sworn and testified:

Cameron Brooks, 3320 Washington Street, San Francisco, CA
Grant Pritchard, 1860 Grant, San Francisco, CA
Emily Mackenzie, 150 Jordan Avenue, San Francisco, CA
Dan Silva, 555 - 7th Street, San Francisco, CA

The following exhibits were entered into evidence by the Prosecution:

Exhibit #1	Map of Area of Baker's Beach
Exhibit #2	Diagram of positions of cars in area at Baker's Beach at time of incident
Exhibit #3	U.S. Park Police Partial Incident Report #2903 with statements only entered by Mr. Pritchard and Mr. Brooks
Exhibit #4	U.S. Park Police Incident Report #2902 dated 4/19/86

The following-named witnesses appeared for the Defense, were sworn and testified:

Patrol Special Officer Elbert Taylor, Company G
Officer Robert Herman, Park Police
Lieutenant Jack Ballentine, Company G

The following exhibits were entered into evidence by the Defense:

Exhibit A One 5x6 Color Photo of Area of Baker's Beach, 25th Avenue cul-de-sac

Exhibit B One 5x6 Color Photo of Area of Baker's Beach looking toward street and homes from cul-de-sac

Exhibit C One 5x6 Color Photo of Area of 25th Avenue depicting cul-de-sac and hilly area

Exhibit D One 5x6 Color Photo of area of 25th Avenue looking from cul-de-sac westerly and depicting homes in the area

Exhibit E One 5x6 Color Photo depicting beach from 25th Avenue north to Golden Gate Bridge

Exhibit F One 5x6 Color Photo of 25th Avenue looking from cul-de-sac southwesterly depicting homes in area

Exhibit G Copy of certain sections of the Penal Code, specifically Section 415

The Commission took the matter under submission, recessed and returned, and the following resolution was adopted:

RESOLUTION NO. 788-87

DECISION - HEARING OF PATROL SPECIAL OFFICER ELBERT TAYLOR, RICHMOND POLICE DISTRICT

WHEREAS, on December 3, 1986, Frank M. Jordan, Chief of Police, made and served charges against Patrol Special Officer Elbert Taylor as follows:

CHARGE NO. 1

Failure to properly report a police incident which came to his attention (violation of Rule 3.413 of the Rules and Procedures for Patrol Special Officers of the San Francisco Police Department);

(1) At all times herein mentioned, Elbert Taylor, Star No. 2679, (hereinafter referred to as "the accused") was and is a Patrol Special Officer owning beats granted by the San Francisco Police Commission and operating within the Golden Gate Division, Richmond District;

(2) As a Patrol Special Officer and a beat owner, the accused was and is responsible for knowing and obeying the rules, orders and procedures of the San Francisco Police Department as they apply to the operation of his franchise;

(3) On or about April 19, 1986, at 2205 hours the accused was on patrol on beat Number 96 in the Richmond District, in a parking area on 25th Avenue North;

(4) At that time and place the accused was approached by a citizen who complained that he and a group of his friends had been assaulted on Baker's Beach and requested assistance;

(5) The accused correctly informed the citizen that Baker's Beach was not within the jurisdiction of the San Francisco Police Department and that he had no authority to take any action;

(6) The citizen asked the accused to report the assault by radio to the San Francisco Police Department District Station, or to the police presence exercising jurisdiction over Baker's Beach, to summon aid and the accused refused to do so;

(7) The accused, by failing to properly make a report of an incident requiring police attention which confronted him, even though outside his jurisdiction, has engaged in conduct which violates Rule 3.413 of the Rules and Procedures of the San Francisco Police Department regarding the conduct of Patrol Special Officers, which states:

"Shall call the attention of a regular member to all incidents requiring police attention that confront him during his duty tour, except those which he has properly disposed of through his own action."

CHARGE NO. 2

Engaging in conduct which brings discredit on the Department (violation of Rule 2.13 of the Rules and Procedures for Patrol Special Officers of the San Francisco Police Department).

(8) Paragraphs (1) through (6) of Charge No. 1 above are realleged and incorporated here in by reference as though set forth in full;

(9) After the above stated refusal by the accused to properly report the assault on the citizen and request assistance, the citizen and his companions entered a motor vehicle to leave the area;

(10) The accused stopped the vehicle the citizen was in and again engaged in a dispute with the citizen who had requested assistance and threatened to arrest him;

(11) The accused was not polite, civil and orderly in his demeanor during this incident which violates the rules of the Department governing Patrol Special Officers;

(12) The accused by virtue of the herein alleged behavior has engaged in conduct which brings discredit on the Department, a violation of Rule 2.13 of the Rules and Procedures of the San Francisco Police Department governing Patrol Special Officers, which states:

"Any breach of the peace, neglect of duty, misconduct or any conduct on the part of any member either within or without the state which tends to subvert the good order, efficiency or discipline of the department or any member thereof or is prejudicial to the efficiency and discipline of the department, though such offenses are not specifically defined or laid down in these Rules and Procedures, shall be considered unofficerlike conduct triable and punishable by the Board."

and

WHEREAS, a hearing on said charges was held before the Police Commission pursuant to Section 8.343 of the Charter of the City and County of San Francisco on Thursday, June 25, 1987, and on Thursday, June 25, 1987, the matter was submitted to the Police Commission for decision; and

WHEREAS, the Police Commission finds that the said charges made and filed against Patrol Special Officer Elbert Taylor, Richmond Police District, as contained in Charge No. 1, violation of Rule 3.413 of the Rules and Procedures for Patrol Special Officers of the San Francisco Police Department are not sustained, and

WHEREAS, the Police Commission finds that the allegations contained in Charge No. 2, violation of Rule 2.13 of the Rules and Procedures for Patrol Special Officers of the San Francisco Police Department, against Patrol Special Officer Elbert Taylor are sustained; therefore be it

RESOLVED, that based on these findings consistent with the Commission's duty to protect the health, safety and general welfare of the citizens of the City and County of San Francisco and the public in general, and in order to promote efficiency and good discipline in the San Francisco Police Department, the Commission orders that the following discipline be imposed:

For Specification No. 2, Patrol Special Officer Elbert Taylor is to attend the Police Academy for one day learning proper police techniques and conduct to be utilized in dealing with the public, and he shall be and is hereby officially reprimanded. Said official reprimand is to be prepared in written form by Lieutenant Willie E. Frazier, Secretary to the Police Commission, and presented via Department mail to Captain Richard Shippy, his Commanding Officer, and to Patrol Special Officer Elbert Taylor.

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

(The entire proceedings were taken in shorthand form by Linda Pransky, C.S.R.)

Recesses taken during the hearing of Patrol Special Officer Elbert Taylor:

7:23 p.m. to 7:30 p.m.
8:33 p.m. to 9:04 p.m.
9:00 p.m. to 9:12 p.m.

The meeting, thereafter, was adjourned at 9:16 p.m.

Lieutenant Willie E. Frazier
Secretary
THE POLICE COMMISSION